Federal Probation

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Structuring the Exercise of Sentencing Discretion in the Federal Courts .... *Brian Forst*, *William M. Rhodes*

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Practical Probation: A Skills Course — Probation Officers *Do* Make a Difference .... *Marilyn R. Sánchez*

MARCH 1982

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All phases of preventive and correctional activities in delinquency and crime come within the fields of interest of Federal Probation. The Quarterly wishes to share with its readers all constructively worthwhile points of view and welcomes the contributions of those engaged in the study of juvenile and adult offenders. Federal, state, and local organizations, institutions, and agencies—both public and private—are invited to submit any significant experience and findings related to the prevention and control of delinquency and crime.

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Federal Probation

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This Issue in Brief

Structuring the Exercise of Sentencing Discretion in the Federal Courts.—Brian Forst and William Rhodes report results of a major study of Federal sentencing practices, focusing on highlights that have special relevance to the probation community: survey results on the purposes of sentencing, an analysis of recent sentencing decisions, and an analysis of the information contained in the presentence investigation report. The survey revealed that Federal probation officers and judges, on the whole, regard deterrence and incapacitation as more important goals of sentencing than either rehabilitation or just deserts. The judges individually, on the other hand, are divided over the goals of sentencing.

Zero—Sum Enforcement: Some Reflections on Drug Control.—This article reflects upon the dilemmas in drug control efforts and suggests that current policy and practices be reviewed and modified in order to evolve a "more coherent" approach to the problem. The authors critique the methods of evaluating drug enforcement efforts and provide a series of rationales that can be employed in the decisionmaking process.

Inreach Counseling and Advocacy With Veterans in Prison.—A self-help model of direct and indirect services is provided through a Veterans Administration veterans-in-prison (VIP) pilot program. Authors Pentland and Scurfield describe objectives and methodology of the program, including the formation of incarcerated veterans into self-help groups, organization of community-based resources into VIP teams that visit the prisons, serving veteran-related issues and services such as discharge upgrading and Agent Orange, and a diversionary program for veterans in pretrial confinement.

The Probation Officer and the Suicidal Client.—This article by Federal probation officers Casucci and Powell attempts to provide the probation officer with enough information to be able to recognize and deal effectively with the suicidal client. The authors furnish an overview of the problem of suicide, a profile of the suicidal client, and the therapeutic response of the probation officer in this crisis situation.

An Experiential Focus on the Development of Employment for Ex-Offenders.—U.S. Probation Officer Stanley S. Nakamura of the Northern District of California states that a concerted effort

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has been made in his District to establish an employment program that would provide real assistance to those clients interested in working. Integrity, friendship, patience, professionalism, trust, placement, and followthrough are the basis of a successful employment program, he concludes.

Alienation and Desire for Job Enrichment Among Correction Officers.—Responses to a correction officer opinion survey suggest that C.O.'s hold attitudes toward their job that are similar to those of other contemporary workers, report Hans Toch and John Klofas. Like other urban workers, urban C.O.'s tend to be very alienated; like workers generally, most C.O.'s are concerned with job enrichment or job expansion.

BARS in Corrections.—Evaluating the job performance of employees is a perennial problem for most correctional organizations, according to Wiley Hamby and J.E. Baker. The use of Behaviorally Anchored Rating Scales (BARS) appears to be a viable alternative for evaluating the performance of employees in corrections, they maintain.

Redesigning the Criminal Justice System: A Commentary on Selected Potential Strategies.—Selected strategies are highlighted by Attorney Tommy W. Rogers which would appear worthy of consideration in any contemplated alteration of the criminal justice system. Suggestions are made concerning modification of the criminal law detection and apprehension strategies, improving the admininistrative and judicial efficiency of courts, redressing system neglect of victims, and utilization of research in planning and legislation.

Strategies for Maintaining Social Service Programs in Jails.—Social services within jails and community-based alternatives to incarceration are vulnerable to cutbacks, asserts Henry Weiss of the Wharton School in Philadelphia. His article suggests a number of strategies for maintaining the improvements in service delivery that have been so painstakingly won over the past 15 years.

Promises and Realities of Jail Classification.—The process by which jails reach classification decisions has rarely been studied due to the preoccupation of the field with predictive models, assert James Austin and Paul Litsky of the National Council on Crime and Delinquency Research Center. The authors' opinions expressed in this article are based on their findings of a comparative process study of four jail classification systems.

Crime Victim Compensation: A Survey of State Programs.—Compensating crime victims for injuries sustained as a result of their victimization has evolved into a highly complex practice, report Gerard F. Ramker and Martin S. Meagher of Sam Houston State University. Their study showed that the state compensation programs in existence today are subject to similarities in certain organizational characteristics and also appear to share certain disparities.

Probation Officers Do *Make a Difference.*—This article by Marilyn R. Sánchez of the Hennepin County (Minn.) Probation Department examines the successful interaction between probation officer and client. Her article discusses a three-issue model for feedback from probationers: (1) the "exit interview" with the probationer, (2) presentations in schools, and (3) the postprobation checkoff list.

All the articles appearing in this magazine are regarded as appropriate expressions of ideas worthy of thought but their publication is not to be taken as an endorsement by the editors or the Federal probation office of the views set forth. The editors may or may not agree with the articles appearing in the magazine, but believe them in any case to be deserving of consideration.

Structuring the Exercise of Sentencing Discretion in the Federal Courts

BY BRIAN FROST AND WILLIAM M. RHODES
INSLAW, Inc., Washington, D.C.

FEW DECISIONS are as perplexing and important as the selection of a criminal sentence for a particular offender. Its perplexity stems from the fact that there exists no widely agreed upon, single goal of sentencing, and no ready means of translating a fundamental goal or set of goals into a specific sentence for a particular offender. Its importance stems from the substantial consequences of the decision not only for the offender about to be sentenced, but also for the criminal justice system, and for our larger society, which pays for both the crimes and the sanctions.

While the judge selects the sentence, the probation officer is a central figure in the sentencing process. He collects, organizes, and presents the information that is pertinent to sentencing and parole decisions, and often recommends a sentence to the judge. He then supports the postsentencing process by providing a range of supervision and support services both to offenders who have received sentences of probation and to those who have been released on parole.

Acknowledgment of the awesome nature of the sentencing decision recently has become matched by a widespread perception that sentencing is neither rational nor evenhanded. Judge Marvin Frankel, for one, has observed: "We have in our country virtually no legislative declarative of the principles justifying criminal sanctions."[1] And researchers have found that in jurisdiction after jurisdiction sentencing could be described as disparate or, at best, inconsistent.[2]

Both the United States Senate and the House of Representatives have responded to these concerns with proposals for major revision of the Federal criminal code, including changes aimed at making sentences more purposeful and fair.[3] Both chambers of Congress have proposed bills that would institute sentencing guidelines,[4] and both have insisted that these guidelines take into account explicitly enunciated purposes of sentencing.[5]

While specific differences in the Senate and House versions of the criminal code revisions have not been reconciled at the time of this writing, the two houses have nonetheless agreed on the propriety of sentencing guidelines and on the notion that guidelines development will require empirical study of sentencing as it is currently practiced in the Federal courts.[6] With this in mind, the Federal Justice Research Program of the Department of Justice contracted with INSLAW, Inc. (formerly the Institute for Law and Social Research), to conduct research on sentencing in the Federal district courts.[7] This article presents findings from three major aspects of that study that are of special relevance to the Federal probation community: survey results on the purposes of sentencing, analysis of recent sentencing decisions, and analysis of the information contained in the presentence investigation report.

The Goals of Sentencing and Sentencing "Disparity": Survey Results

To provide one important basis for understanding current sentencing practices in the Federal courts, we conducted inperson interviews with 113 probation officers in 28 Federal districts,[8] as well as 264 active Federal judges in all districts.[9] Also interviewed were 103 Federal prosecutors,[10] 110 defense counsel,[11] 1,248 members of the general public,[12] and 550 incarcerated Federal offenders.[13] We attempted first to obtain information about the degree of consensus among Federal judges, probation officers, and others about the goals of sentencing and the efficacy of the system in achieving those goals.

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[1] M. Frankel, *Criminal Sentences* (New York: Hill and Wang, 1973), p. 108.

[2] Studies have repeatedly found evidence of different patterns of decisionmaking from one judge to another, starting at least as early as 1919. Everson, "The Human Element in Justice," *Journal of Criminal Law and Criminology*, vol. 10 (1919); Gaudet, "Individual Differences in Sentencing of Judges," *Archives of Psychology*, vol. 32 (1933); Frank J. Remington and Donald J. Newman, "The Highland Park Institute on Sentencing Disparity," *Federal Probation*, vol. 26, (1962), pp. 4-9; John Hogarth, *Sentencing as a Human Process* (Toronto: Univ. of Toronto Press, 1971); Anthony Partridge and William Eldridge, *The Second Circuit Sentencing Study: A Report to the Judges of the Second Circuit* (Washington, D.C.: Federal Judicial Center, 1974); Shari Seidman Diamond and Hans Zeisel, "Sentencing Councils: A Study of Sentence Disparity and Its Reduction," *University of Chicago Law Review*, vol. 43 (1975), pp. 109-48; Terence Dungworth, *An Empirical Assessment of Sentencing Practices in the Superior Court of the District of Columbia* (Washington, D.C.: Institute for Law and Social Research, 1980); Brian Forst and Charles Wellford, "Punishment and Sentencing: Developing Sentencing Guidelines Empirically from Principles of Punishment," *Rutgers Law Review*, vol. 33 (1981).

[3] S. 1722, 96th Congress, 1st session; H.R. 6915, 96th Congress, 2nd Session.

[4] S. 1722, Chapter 58; H.R. 6915, Chapter 43.

[5] *Ibid.*

[6] S. 1722, 994(1).

[7] The design of this project originated in a request, by the Federal Justice Research Program of the Department of Justice, for proposals for a study to support the formulation of Federal sentencing guidelines, and the proposal submitted by the Institute for Law and Social Research in response to that request. A more accessible version of that design is presented in a *Hofstra Law Review* (vol. 7, Winter 1979) sentencing symposium article, "Sentencing and Social Science: Research for the Formulation of Federal Sentencing Guidelines," by Brian Forst, William Rhodes, and Charles Wellford, at pp. 355-78.

Five goals of sentencing were identified for this aspect of the project: general deterrence, special deterrence, incapacitation, rehabilitation, and just deserts. To ensure that each person interviewed was responding to the same concepts, we provided a definition for each goal (see exhibit 1).

Each respondent was asked questions about both the importance of each goal and the ability of the criminal justice system to achieve each of the goals. With respect to the former, a five-point scale was constructed ranging from "not at all important" to "extremely important." Results are shown in exhibit 2. Not surprisingly, the Federal probation officers, who serve partly as agents of rehabilitation,[14] tended to regard rehabilitation as a more important goal than did the other practitioner populations, with more than two-thirds of all officers interviewed expressing the opinion that rehabilitation is either "very important" or "extremely important." The officers interviewed were inclined nevertheless to regard the utilitarian goals of sentencing—general deterrence, special deterrence, and incapacitation—as very important more often than they did the goal of rehabilitation. They were more inclined than any other group surveyed to regard the incapacitative function of sentencing as very important.

Of particular interest is the extent to which the judges interviewed disagree about the goals of sentencing. Disagreement was greatest for the goals of rehabilitation and just deserts. One-fourth of the judges consider the goal of rehabilitation to be "extremely" important, while another substantial group of judges (19 percent) consider that goal to be no more than "slightly" important. Similarly, nearly one-fourth of the judges regard just deserts to be very important or extremely important, while another 45 percent regard that goal as either slightly important or not important at all.[15]

This disagreement among Federal judges about the importance of various goals of sentencing, taken together with previously reported findings of sentencing irregularity,[16] provides a useful background against which perceptions of sentence disparity among legal practitioners who are familiar with Federal sentencing policy can be examined. We asked Federal probation officers, Federal judges, Federal prosecutors, and defense lawyers who practice in Federal courts about sentence disparity within the Federal system. Results are presented in exhibit 3.

While nearly 90 percent of the Federal prosecutors and defense counsel interviewed acknowledged the occasional existence of sentencing disparity (at least "some of the time"), only half of the Federal judges and 37 percent of the Federal probation officers interviewed saw it that way.

Similarly, while over a third of all Federal prosecutors and defense lawyers perceived the existence of unwarranted sentence disparity all or most of the time, only 9 percent of the Federal judges and *none* of the Federal probation officers perceived such a level of unwarranted disparity.

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[8] This sample of 113 Federal probation officers was drawn from the pool of 94 Federal districts as follows: First, the 94 districts were stratified by size into three groups. Then the districts were sorted geographically within each stratum by the nine U.S. Census divisions. Next, every fourth district was selected from these rankings, plus some additional districts to ensure that we included all eight districts from which we sampled PSI reports. The 28 districts thus selected include 5 of the smallest offices (Delaware, Middle Louisiana, Maine, Western Michigan, and Middle Tennessee); 12 medium-size offices (Connecticut, Middle Florida, Kansas, Eastern Kentucky, Maryland, New Mexico, Northern Ohio, Western Oklahoma, Western Pennsylvania, South Carolina, Western Texas, and Western Washington); and 11 of the largest offices (Central California, Northern California, Southern Florida, Northern Illinois, Eastern Michigan, New Jersey, Eastern New York, Southern New York, Eastern Pennsylvania, Southern Texas, and Washington, D.C.). As few as two and as many as six probation officers were interviewed in each district, depending on the size of the district. Of the 117 officers initially contacted, 113 were interviewed.

[9] We canvassed all 374 active Federal district court judges with at least 1 year of service on the Federal bench, were able to contact 284 of these judges, and completed interviews with 264 of them during the fall of 1979. In order to get more questions asked of the judges in an in-person interview averaging 90 minutes, we split the sample randomly in half, asking some questions of both groups and some of only one group. The question on the importance of goals was answered by 117 judges.

[10] Federal prosecutors were drawn from the same 28 districts as those for the Federal probation officer sample described in note 8, above. From each of these districts we attempted to interview the U.S. attorney and from two to six assistant U.S. attorneys, depending on office size (assistants were rejected from the sample if they did not spend at least 30 percent of their time on criminal cases). In 16 of the 28 districts, we were able to interview the U.S. attorney. The duration of the interviews with these 16 U.S. attorneys and 87 assistants averaged 60 minutes.

[11] Defense attorneys were sampled from the same 28 districts that Federal probation officers were sampled from, described in note 8. In each of the 28 districts we collected a systematic sample of 100 court dockets for cases closed within the preceding 18 months. (Since some districts have more than one court, we sampled dockets from 46 locations.) The name and address of the defense counsel and type of counsel (i.e., whether court appointed or public defender) were recorded from each docket. The number of attorneys contacted in each of the 28 districts ranged from two to six, depending on the size of the district. Of the 187 defense counsel contacted, interviews were completed with 110 lawyers: 60 retained, 38 CJA, and 12 public defenders. As with Federal prosecutors, the interviews averaged 60 minutes in duration.

[12] The sample of 1,248 members of the general public was drawn from a standard sampling frame used by the survey team of Yankelovich, Skelly, and White, Inc. Persons 18 years or older were sampled from 156 cluster point areas selected from a mix of Standard Metropolitan Statistical Areas (SMSAs) and non-SMSAs in the nine Census regions of the continental United States. Four males and four females were interviewed in person in each cluster point location, with random callbacks to ensure accuracy.

[13] Eight Federal prisons were selected as sites for inmate interviews, with site selection designed to provide regional variety and a mix of prison security levels. The eight institutions are Atlanta, Georgia (very high security); Terre Haute, Indiana (very high security); Oxford, Wisconsin (high security); Englewood, Colorado (medium security); Danbury, Connecticut (light security); Lexington, Kentucky (minimum security); Lompoc, California (minimum security); and Seagoville, Texas (minimum security). Inmate lists for each of these eight institutions were then obtained from the Federal Prison System master file in Washington, D.C., with each list indicating the offender's race, ethnic background, offense, and length of sentence. No women were included in our sample, and white collar offenders, who amounted to 7 percent of the persons on these lists, were oversampled at a rate of three to one (20 percent of the offenders in our sample were white collar offenders).

[14] Daniel Glaser, *The Effectiveness of a Prison and Parole System* (Indianapolis: Bobbs-Merrill, 1964); Lloyd E. Ohlin, Herman Piven, and Donnell Pappenfort, "Major Dilemmas of the Social Worker in Probation and Parole," *National Probation and Parole Association Journal*, vol. 2 (July 1956), pp. 211-25.

[15] It is useful also to examine opinions about the extent to which sentencing goals are actually attained, since these opinions are likely to provide an explanation for beliefs about the importance of sentencing goals, examined above. In fact, the utilitarian goals of sentencing, which rank high in importance, also ranked high in terms of perceived effectiveness. Every population surveyed regarded current sentencing and criminal justice system practices to be more effective in achieving the goals of deterrence and incapacitation than in achieving the goals of rehabilitation and just deserts. Each respondent was asked: "Look at the goals of the criminal justice system and sentencing in particular. . . . How well do you think the system actually achieves each of these goals?" Judges said that the system achieves the goals of deterrence and incapacitation at least moderately well at more than twice the rate as they said that it achieves the goals of rehabilitation at least moderately well. Incapacitation was regarded by Federal probation officers, defense counsel, and Federal prosecutors as the goal most effectively achieved. Interestingly, the judges expressed a substantially stronger belief in the effectiveness of deterrence, both general and special, than did any other group surveyed.

[16] See note 2, above.

In view of these perceptions, it should not be surprising that most Federal judges and probation officers express the belief that sentence decisionmaking in the Federal courts is quite satisfactory. Nearly three-fourths of all Federal judges and over half of the Federal probation officers interviewed regard the current sentencing system as being at least "adequate to the task" (see exhibit 4).[17] Federal prosecutors and the defense counsel interviewed, on the other hand, tend to regard the Federal sentencing system as less than adequate.

Sentencing Guidelines Based on Historical Norms

Opinions about sentencing, such as those documented above, constitute one important basis for the continuing development of Federal sentencing policy. Another important basis is provided by the identification and analysis of those factors about offenders and their offenses that seem to explain how judges currently sentence.

In order to develop and institute guidelines, the Senate has called for a sentencing commission that would have responsibility for conducting sentencing studies and developing from those studies a set of guidelines to be used by Federal judges. In general,

> The Commission, in the guidelines promulgated . . . shall, for each category of offense involving each category of defendant, establish a sentencing range that is consistent with all pertinent provisions of title 18, United States Code. If a sentence specified by the guidelines includes a term of imprisonment, the maximum of the range established for such a term shall not exceed the minimum of that range more than 25 percent.[18]

The Senate further indicated factors that might be considered in those guidelines, including the grade of the offense, the nature and degree of harm caused, and so on.[19] It also proscribed some factors as being inappropriate for inclusion, such as the offender's race, sex, and socioeconomic status.[20]

Because the Senate could not be precise in specifying the weight that should be attached to each factor, it called for the use of actual sanctions, instead, as a starting point:

> The Commission, in initially promulgating guidelines for particular categories of cases, shall be guided by the average sentences imposed in such categories of cases prior to the creation of the Commission, and in cases involving sentences to terms of imprisonment, the length of such terms actually served, unless the Commission determines that such a length of term of imprisonment does not adequately reflect a basis for a sentencing range that is consistent with the purposes of sentencing described in subsection 101(b) of title 18, United States Code.[21]

This provision of the revised Federal codes constituted a central aspect of the research agenda for the current sentencing project—the analysis of historical sentencing patterns in the United States district courts.

It is appropriate to regard the analysis of recent sentences as only a first step in the formulation of guidelines for at least two important reasons. First, to the extent that the imposition of sentences has been deficient, statistical analysis of historical patterns would tend to reveal such deficiency and thus provide a basis for developing sentences that correct them. Second, going beyond recent sentencing practices to fashion sentences that account for deterrence, incapacitation, rehabilitation, and so on, may be in order, but such a process should evolve both from analyses of the effectiveness of alternative sentencing strategies and from analysis of recent sentencing patterns. Transition to any new sentencing system is not likely to be orderly without an understanding of historical norms to provide a point of departure from which any modifications could evolve.[22] Thus guidelines can be viewed as dynamic, responding to changing norms, new scientific findings, and informed opinions, such as those discussed in the previous section, but should proceed from a factual understanding of existing sentencing patterns.

To provide an empirical basis for organizing such information, we collected data from presentence investigation (PSI) reports. Prepared by Federal probation officers under the aegis of the Administrative Office of the United States Courts, the PSI is used primarily to provide information needed by the judge in deciding how to sentence a Federal offender.[23] The Federal PSI report typically contains detailed information about the nature and extent of the *offense*, the number of codefendants and nature of the offender's participation with others involved in the crime, and other circumstances that set the stage for the offense; about the *offender* and his or her criminal history, family background, education, psychological characteristics, means of support, and prospects of future criminal involvement; and about the *sentence* eventually selected by the judge.[24] The investigation required to obtain the information about the offense and offender usually takes 3 to 4 weeks, consisting of an indepth interview with the defendant, as well as interviews with law enforcement agents who were involved with the case, the assistant U.S. attorney(s) who prosecuted the case, family members, current or former employers, and others knowledgeable about relevant aspects of the case.[25] The relatively exhaustive nature of this investigation is easily justified by the importance of the information to the judge and the often substantial consequences of the sentencing decision to the defendant.[26]

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[17] These findings are discussed in more detail by John Bartolomeo, *Judicial Reactions to Sentencing Guidelines*, a report on file at INSLAW.

[18] S. 1722, 994(b).

[19] S. 1722, 994.

[20] *Ibid.*

[21] S. 1722, 994(l).

[22] Specific systems of departure from historical norms, based on various philosophies of sentencing, are discussed by the authors, with Charles Wellford, in the article cited at note 7, at pp. 371-77. See also Forst and Wellford, cited at note 2, pp. 818-22.

[23] Under Rule 32(c)(1) of the Federal Rules of Criminal Procedure, a PSI report must be prepared for each convicted Federal offender unless waived by the defendant with the permission of the court. The PSI is used not only to support the sentencing decision, but also to aid probation officers in supervising offenders on probation or parole, to assist the Federal Bureau of Prisons in the process of classifying offenders for assignment to an appropriate institution, and to support the parole release decision process.

(1) Collecting and Coding PSI Reports

The richness of the information contained in the PSI report makes it ideally suited to the purpose of assembling data capable of supporting analysis of actual sentencing norms. Hence, as a first order of business, in mid-1978, we set out to obtain a large sample of Federal PSI reports. The Administrative Office of the U.S. Courts agreed to provide those reports.[27] Specifically, we received PSI reports for cases in 11 offense categories to analyze sentences for offenders convicted between 1974 and 1978. The reports were selected from a sampling frame provided on computer tape by the Administrative Office. The sample consisted essentially of several hundred reports drawn randomly from 8 Federal districts (up to 120 per district) for each of 8 offense categories and over 500 reports drawn randomly nationwide for each of three categories.

This sampling design was specifically constructed with several considerations in mind:

(1) The offense categories should cover the full range of Federal severity classes for which PSI reports are available, including cases as serious as Class A felony.

(2) The offenses should include major classes of white collar crime.

(3) The offenses should be defined in such a way as to achieve a balance between homogeneity (i.e., the offense category should not include a variety of fundamentally different crime types) and sufficiency of sample size (i.e., it should not be so narrowly defined as to consist of too few cases).

(4) The sample should be drawn primarily from districts known usually to prepare high quality PSI reports.

(5) The sample should contain a mix of districts in terms of both size (i.e., caseload) and region.

(6) The sample should span at least 2 years in each district to avoid biases associated with seasonality or other short-term phenomena.

The resulting sample of PSI reports by district and offense category is shown in exhibit 5. The numbers indicated represent the numbers of reports received, coded, and then returned to the districts that had provided them.

As these PSI reports were arriving at the Administrative Office from the individual district probation offices, the research staff recruited a team of data coders,[28] developed coding instruments and trained the coders in the process of reading the reports and coding them properly,[29] rented and equipped a room in the Administrative Office with secure files and other needed supplies, and established control procedures to ensure that the data would be coded reliably and efficiently.[30] These procedures in place, the coding operation began. After an initial learning period, the typical PSI report came to require about 1 hour to code and an additional hour to review, record on computer tape, and audit; each crime category required about 3 weeks to complete. These data were then merged with computerized data on case dispositions from the Administrative Office.

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[24] The Probation Division of the Administrative Office of the United States Courts provides guidance for the preparation of presentence reports and some control to ensure that the information is adequate and uniform from one district to another. See Administrative Office of the U.S. Courts, *The Presentence Investigation Report*, Publication No. 105 (1978). Some systematic differences are established from district to district. For example, probation officers in some districts offer sentence recommendations to the judge, and in other districts are not encouraged to do so. Information about the sentence eventually selected by the judge is, of course, not part of the PSI report, per se; rather, that information is attached to the PSI as a cover sheet and maintained in the district probation office files of PSI reports.

[25] We are extremely grateful to members of the Probation Division of the Administrative Office of the U.S. Courts for making available this information about the preparation of PSI reports, and for making possible the transmittal of these reports for data extraction to support this research project.

[26] Indeed, many have argued persuasively for the need for greater disclosure and review of the facts presented to the PSI report. See, for example, Stephen A. Fennell and William N. Hall, "Due Process at Sentencing: An Empirical and Legal Analysis of the Disclosure of Presentence Reports in Federal Courts," *Harvard Law Review*, vol. 93 (June 1980), pp. 1613-97.

[27] This agreement followed extensive discussions with representatives of the Administrative Office, Federal judges, and probation officers, and a formal request that included an agreement by the Institute for Law and Social Research to adhere to a carefully developed plan to ensure that all data transfers and data extraction procedures would protect the privacy of individuals referred to in the PSI reports. Thus, it was agreed that all data would be transferred and inventoried through the Administrative Office, and all data coding would take place within the Office or under the supervision of representatives of the Office. These procedures were strictly adhered to during the project.

[28] Data coders were recruited largely from universities in Washington, D.C. As a result, we experienced substantial turnover in the team in May and September—the end of the spring and summer semesters.

[29] Coding instruments were developed initially from a sample of 22 PSI reports provided by the Federal Judicial Center. These instruments were used in turn to provide initial training of coders. These coding instruments were redrafted as PSI reports started becoming available from the Administrative Office, and subsequently redrafted as necessary.

The coding instruments comprised two distinct parts. The first part consisted of "core" data elements common to all offense categories (e.g., offender's residence, sex, race, criminal history, employment record, education, marital status, whether the case involved codefendants, number of counts in the conviction, pretrial release status, alias, whether rearrested while on pretrial release, whether a drug user, alcoholic, the sentence, and so on). The second part consisted of data elements unique to a particular offense (e.g., amount embezzled, number of persons killed, and so on).

The coding team worked on one crime category at a time, with coding instrument development for one category overlapping with the actual coding of the preceding crime category. The team received training in the coding of each offense category, and coding instruments were redrafted as problems emerged in training for the coding of a given offense.

The procedures for coding instrument development and training are described more fully in the companion report by Janet Davidson and Mary-Laing McKeown, *Data Documentation for the Analysis of Federal Sentencing Decisions* (Washington, D.C.: INSLAW, 1980), on file at INSLAW.

(2) Description of Offenses, Offenders, and Their Sentences

The Federal offense categories selected for this project represent a variety of criminal involvements including both assaultive behaviors, such as homicide and bank robbery, and white collar crimes, such as mail fraud, income tax fraud, and false claims.[31] Not surprisingly, we find some differences among the characteristics of persons convicted for the various offenses.

Among the more striking differences is that associated with prior criminal record. Offenders convicted for the more assaultive offenses tend to have more serious criminal records than other offenders, with rates of prior adult incarceration ranging from 55 percent for bank robbers to 3 percent for bank embezzlers (see exhibit 6). Recorded prior criminal involvements are also common among persons convicted of homicide, narcotics, and forgery offenses; prior records are relatively (not absolutely) infrequent among persons convicted of bribery and postal theft.

Like local offenders, convicted Federal offenders are predominantly (85 percent) male and disproportionately, although not predominantly (30 percent), black (see exhibit 7). As noted earlier, they tend also to be older than local offenders; we estimate the mean age of convicted Federal offenders to be over 40. About half are married, only slightly more than half are high school graduates, and nearly four-fifths have legitimate incomes of less than $12,000 annually (exhibit 8).

About half of the Federal offenders convicted during the period studied, 1975-78, were incarcerated for their offenses. (See exhibit 9.) Those imprisoned served an average of about 2 years before parole release. Persons convicted of the most serious offenses, homicide and bank robbery, seldom received sentences of probation and faced actual terms of imprisonment that averaged about 6 years. In contrast, only about one in four of the persons convicted of the least serious offenses studied, bank embezzlement and postal theft, were sentenced to terms of confinement, and those persons usually faced incarceration for terms of less than a year.

Fines were used in only about every seventh case, and for those cases the fines amounted to an average of less than $1,500. While fines were not given to most Federal offenders, persons convicted of certain crimes, notably bribery and tax fraud, usually received sentences that included a fine.

For most Federal offenses, those most likely to be imprisoned were ones who had criminal records, ones whose cases involved large amounts of money or property, and those convicted at trial (exhibit 10).

Some correlates with the decision to incarcerate are more controversial. While race did not emerge as a systematic predictor of the sentence, the factors "male" and "unemployed" did. These latter two factors were systematically related both to the decision to imprison and to the expected term of imprisonment for most Federal offenses analyzed (exhibit 11). Of course, these findings do not necessarily mean that Federal judges single out males and unemployed persons for harsh punishment, consciously or otherwise. These two factors may be standing in for unmeasured determinants of sentencing, such as lack of contrition, nature of violence, degree of intent, specific motive, and so on. With respect to unemployment, the conscious decision to commit crime in the first place could simultaneously elevate the severity of the sentence and explain the offender's unemployment, in which case unemployment would be correlated with, but not causative of, the severity of the sanction.

As a more general and less ambiguous proposition, it is evident that current sentencing patterns in the Federal courts appear for the most part to follow a set of uncontroversial principles. Federal judges give tougher sentences to offenders who: (1) commit more serious crimes; (2) have more extensive criminal histories; and (3) choose to take their chances at being found guilty in trial and then lose, rather than give up their right to trial with a plea of guilty.[32]

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[30] A coding supervisor answered questions of individual coders, sometimes referring the question to a senior staff member. Ten percent of the PSI reports were randomly selected for coding by two different randomly selected coders, to test the reliability of both individual coders and individual data elements. All coding sheets were then keypunched and verified. Procedures for maintaining quality control in the coding of data are described in more detail in Davidson and McKerman, *ibid.*

[31] The information presented in this section is described more fully in the project report by William Rhodes and Catherine Conly, *An Analysis of Federal Sentencing Decisions.* (Washington, D.C.: INSLAW, 1981).

[32] These results are generally consistent with those obtained in previous research on Federal sentencing practices. Paul Sutton, analyzing the Federal sentencing decisions made in 1971, found the sentences "to be a function, first, of the nature of the offense for which an offender is convicted, second, of the prior criminal record of the offender, and third, of the particular method by which the offender was found guilty." L. Paul Sutton, Federal Sentencing Patterns (Washington, D.C.: U.S. Department of Justice, 1978), report no. SD-AR-16, pp. vii, 28.

Analysis of PSI Data Quality

The ability of judges to follow a set of accepted principles in sentencing requires more than understanding of and agreement about principles. It also requires that the information about each offender receiving a sentence be complete and accurate.

The presentence investigation (PSI) report is the standard medium for providing this information.[33] In fact, in the vast majority of cases involving persons convicted in the Federal courts—those in which the defendant pleads guilty[34]—the presentence report provides the only substantive information available to the judge about the offense and offender.[35] The presentence report is influential in supporting not just the sentencing decision; it is used as well by Federal parole authorities in determining parole release.[36] Thus the information contained in the presentence report is central to both the decision whether to incarcerate and the term of incarceration. While the due process standard has not been applied as strongly to the information contained in the presentence report as it has to the evidence presented in trial,[37] due process at sentencing has nonetheless been recognized by both Congress[38] and the Supreme Court.[39]

Obviously, it is important to assess the quality of the information contained in Federal presentence reports, for the sake of both current and future sentencing systems. Part of the current research project involved such an assessment. In extracting data from 5,781 Federal presentence reports for the purpose of analyzing actual sentencing decisions, discussed above, it was possible also to analyze those data for quality. More than 70 common data elements were extracted from each of the reports. Additional data were extracted from those sections of the reports that pertained to the offense; 10 specific offense categories were represented,[40] each requiring a unique set of data elements to be coded from the presentence reports. We assessed the quality of both the general data elements and those that were unique to specific offense categories.

In our sample of 5,781 presentence reports, our data coders were unable to find the information sought after in more than 5 percent of the reports for only 6 of the 73 data elements that were common to all offense categories.[41] These more frequently missing data elements all related essentially to the defendant's socioeconomic stability,[42] which many probation officers and judges are likely to regard as less crucial to the sentencing decision than the current offense and the defendant's criminal record.

Key data elements pertaining to specific offenses tended more frequently to be missing. Information about the estimated dollar value of property stolen in the actual offense was missing from 36 percent of the 144 presentence reports sampled involving mail theft cases, the actual amount of taxes owed was missing from 25 percent of the 525 reports relating to income tax fraud cases, and the value of the drugs involved in the actual offense was missing in 25 percent of the 651 reports describing drug crimes.[43]

Data accuracy is more difficult to assess than data completeness. Testing for completeness requires no external validation; testing for accuracy does. Indeed, the controversy over due process at sentencing has to do largely with the problem of external validation of the factors on which the sentence is based.[44] While we were unable to test the accuracy of the information in the presentence report, we were able to assess the clarity of presentation of that information. Obviously, factors that are presented clearly by the probation officer are less likely to produce errors in interpretation by the sentencing judge or parole board than are facts presented in a contradictory or otherwise ambiguous manner.

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[33] Rule 32(c), Federal Rules of Criminal Procedure; Division of Probation of the Administrative Office of the U.S. Courts, *The Presentence Investigation Report*, op. cit. (note 24), p. 1; Roy L. Goldman and James W. Mullenix, "A Hidden Issue of Sentencing: Burdens of Proof for Disputed Allegations in Presentence Reports," *Georgetown Law Journal*, vol. 66 (August 1978), p. 1517; Stephen A. Fennell and William N. Hall, op. cit. (note 25), at pp. 1615-16. It has been estimated that presentence reports are prepared in about 90 percent of all federal cases. Note, "The Presentence Report: An Empirical Study of Its Use in the Federal Criminal Process," *Georgetown Law Journal*, vol. 58 (1970), pp. 451, 457.

[34] Eighty-three percent of the 32,913 defendants reported convicted and sentenced in U.S. district courts during the 12-month period ending on June 30, 1979, pled guilty or nolo contendere. Administrative Office of the United States Courts, *Annual Report of the Director, 1979*, p. A-60.

[35] The Administrative Office of the U.S. Courts provides explicit guidance to Federal probation officers regarding the information that is to be contained in the presentence report: the official description of the offense, the defendant's version of the episode, the defendant's prior criminal record (including both juvenile adjudications and the adult record), personal and family data (including information about marital status, education, employment, physical and mental health, military service, and financial condition), an overall evaluation and statement of sentencing alternatives, and a sentence recommendation. *The Presentence Investigation Report*, op. cit. (note 24), p. 6.

[36] Federal parole release is determined under a guidelines system, authorized in 28 C.F.R. paragraph 2.20 (1979). Federal parole guidelines are applied on the basis of information about the actual offense rather than the offense of conviction. Information about the actual offense may be obtained from the presentence report, the grand jury indictment, or from other legitimate sources. United States Parole Commission, *Guidelines Application Manual*, appendix 4, at 4.08 (May 1, 1979).

[37] In Williams v. *New York* the Supreme Court ruled that the "due process clause should not be treated as a device for freezing the evidential procedure of sentencing in mold of trial procedure." 337 U.S. 241, 251 (1949).

[38] In 1975 Congress amended Rule 32(c)(3) of the Federal Rules of Criminal Procedure so as to require disclosure of the presentence report to the defendant, except under certain conditions, such as those that might clearly endanger the safety of informants. Previously, under Williams v. *New York*, the court was not required to verify with the defendant the information used in the sentencing decision. 337 U.S. 241 (1949). It had been argued that disclosure of such information would jeopardize the ability of the court to obtain complete information. Note, "Procedural Due Process at Judicial Sentencing for Felony," *Harvard Law Review*, vol. 81 (1968), p. [illegible].

[39] Townsend v. *Burke*, 334 U.S. 736 (1948); *United States* v. *Tucker*, 404 U.S. 443 (1972).

[40] See exhibit 5 and accompanying discussion about the sample design.

[41] The rate at which data elements were not found in the presentence reports was found to be remarkably constant across the eight Federal districts from which we drew most of our sample: Northern California, Connecticut, Middle Florida, New Jersey, New Mexico, Eastern New York, Northern Ohio, and Western Oklahoma.

[42] Specific information about community stability was missing in 30 percent of the 5,781 presentence reports, information about car ownership was missing in 30 percent of the reports, information about monthly income was missing in 26 percent of the reports, and information about home ownership was absent from 8 percent of the reports, as was information about total assets and total debts.

For further discussion of the analysis of data quality see project report by Davidson and [illegible], op. cit. (note 29), chapter 4.

[43] A previous analysis of the completeness of the information contained in presentence reports in a Denver court obtained similar results. More than one-fourth of all the data elements analyzed in that study were missing from at least 10 percent of the reports. Leslie T. Wilkins, Jack M. Kress, Don M. Gottfredson, Joseph C. Calpin, and Arthur Gelman, *Sentencing Guidelines: Structuring Judicial Discretion* (Washington, D.C.: U.S. Department of Justice, 1978), pp. 47-48.

John Coffee has provided one explanation for this finding: different probation officers are likely to systematically place emphasis on different aspects of the case, depending, for example, on whether they have a law enforcement perspective or a social welfare one. Coffee, "Repressed Issues of Sentencing: Accountability, Predictability, and Equality in the Era of the Sentencing Commission," *Georgetown Law Journal*, vol. 66 (1978), p. 1044.

We did find, in fact, that some data elements were more often interpreted differently by two different data coders than other data elements. Ten percent of the presentence reports, selected randomly, were coded by two different data coders, also selected randomly, to provide a basis for this test of clarity and consistency of information.[45] The two coders agreed about the offender's residence, marital status, military status, sex, and whether the offense involved organized crime in at least 95 percent of the 575 presentence reports that were coded twice. On the other hand, they often interpreted other pertinent information items differently: 12 percent of the reports coded twice were interpreted differently with respect to the number of counts in the conviction, 15 percent with respect to the defendant's recent employment status, 23 percent with respect to the number of prior arrests, 26 percent with respect to an assessment of the defendant's skills (future employability), and 49 percent with respect to monthly income. While judges may be generally more proficient at interpreting presentence reports than our team of trained data coders, it is nonetheless evident that some of the information that is pertinent to the sentencing decision is presented with substantially more clarity and consistency than is other pertinent information.[46]

Conclusion

Attempts to structure the exercise of sentencing discretion in the Nation's courts, by and large, have not produced major sentencing reform in the Federal justice system. While sentences given to those who commit more serious offenses and have longer criminal records tend to be more severe, Federal judges disagree over the fundamental purposes of sentencing, and they continue to have the

Exhibit 1

SENTENCING GOALS: DEFINITIONS GIVEN TO SURVEY RESPONDENTS

General deterrence: To impose a penalty on an offender sufficiently severe to serve as a warning to others from committing similar crimes.

Special deterrence: To impose a penalty on an offender sufficiently severe to discourage him from committing any more crimes.

Rehabilitation: To reform the offender through treatment and correction measures to convert him into a useful and productive citizen.

Incapacitation: The protection of society through the removal of the offender so that he cannot commit further crimes.

Just deserts: To punish the offender in direct proportion to the seriousness of his crime.

Exhibit 2

SENTENCING GOALS:
IMPORTANCE OF EACH GOAL TO SELECTED POPULATIONS
(Percentage who believe goal is at least very important)

		Sentencing Goals				
	N	General Deterrence	Special Deterrence	Incapacitation	Rehabilitation	Just Deserts
Federal probation officers	113	72%	75%	73%	68%	40%
Judges	117	65%	62%	51%	49%	23%
Federal prosecutors	103	91%	84%	71%	53%	46%
Defense counsel	110	46%	63%	48%	63%	24%
Federal prison inmates	550	16%	23%	18%	65%	37%
General public	1,248	74%	78%	69%	72%	73%

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[44] See notes 33-38, above, and accompanying text. Fennell and Hall report: "At this time, the probation officer usually confronts the defendant with any information that differs substantially from his original statement, and attempts to resolve the discrepancy. . . . Almost all federal probation offices employ a confrontation technique to verify information in the presentence report." Fennell and Hall, *op. cit.* (note 33), p. 1625.

[45] The 10 percent double-coding procedure was used both to control the accuracy of the data extraction by the individual data coders and to test for data clarity and consistency.

[46] Federal presentence reports may be of generally lower quality than we analyzed, since our sampling design concentrated on districts that were known to produce high-quality reports. See text at notes 27 and 28.

latitude to act out their disagreement in the sentences they hand out to convicted offenders.

The prospect of converting a sentencing system that is largely inscrutable—one that permits idiosyncratic sentencing behavior—into one that is more explicit and evenhanded would seem to warrant little resistance. Sentencing can be made more explicit and consistent in fairly short order by constructing guidelines around recent sentencing norms. A more thoughtful development of sentencing policy based on an assessment of the goals of sentencing and the ability of our Federal corrections and probation system to achieve those goals can proceed in the meantime. Thoughtfulness may be a hallmark of the judges who must ponder individually about the sentences they give under our current system, but it comes at a cost in terms of sentencing irregularity between judges and redundant pondering that defies justification.

Exhibit 3

PERCEPTIONS OF SENTENCE DISPARITY IN THE FEDERAL SYSTEM:
PROBATION OFFICERS, JUDGES, PROSECUTORS, AND DEFENSE COUNSEL

N:	Federal Probation Officers (113)	Federal Judges (264)	Federal Prosecutors (103)	Defense Counsel (111)
Unwarranted sentence disparity occurs in the Federal court system:				
All or most of the time	0%	9%	34%	34%
Some of the time	37%	41%	53%	50%
Every once in a while	55%	32%	9%	10%
Never or virtually never	4%	2%	0%	1%
No answer	4%	16%	4%	5%
Total	100%	100%	100%	100%

Exhibit 4

OVERALL EVALUATION OF FEDERAL SENTENCING SYSTEM:
PROBATION OFFICERS, JUDGES, PROSECUTORS, AND DEFENSE COUNSEL

N:	Federal Probation Officers (113)	Federal Judges (264)	Federal Prosecutors (103)	Defense Counsel (111)
Current sentence decisionmaking process is:				
Ideal	2%	1%	1%	0%
About the best that can be achieved	19%	37%	12%	5%
Adequate to the task	33%	35%	22%	34%
Falls short of what I think it should be	43%	20%	46%	42%
Very unsatisfactory	2%	3%	18%	15%
No answer	1%	4%	1%	4%
Total	100%	100%	100%	100%

Exhibit 5

NUMBERS OF PRESENTENCE INVESTIGATION REPORTS CODED FOR ANALYSIS, BY FEDERAL DISTRICT AND OFFENSE CATEGORY, 1975-1978

	Calif. (No.)	Conn.	Fla. (Mid.)	New Jersey	New Mexico	N.Y. (Ea.)	Ohio (No.)	Okla. (West.)	National Sample	Total
Homicide									527	527
Bank robbery	111	49	104	105	28	110	112	37		656
Drugs	105	40	105	110	39	110	102	40		651
Postal theft	11	17	26	12	5	36	29	8		144
Forgery	104	48	119	110	18	111	116	47		673
Bribery									541	541
Bank embezzlement	92	35	89	88	23	53	87	27		494
False claims									514	514
Tax fraud	66	57	78	98	10	96	99	21		525
Mail fraud	57	25	88	101	8	88	57	20		444
Random other	96	37	104	95	35	96	110	39		612
Total	642	308	713	719	166	700	712	239	1582	5781

Exhibit 6

PRIOR RECORDS OF CONVICTED FEDERAL OFFENDERS, BY OFFENSE, 1975-78

	N	Percent With Prior Conviction(s)	Percent with Reported Prior Juvenile Commitment(s)	Percent with Prior Adult Incarceration(s)
Homicide	527	65%	3.4%	39%
Bank robbery	656	80%	6.2%	55%
Drugs	651	59%	1.2%	26%
Postal theft	144	27%	1.4%	4%
Forgery	673	73%	2.1%	46%
Bribery	541	17%	0.4%	5%
Bank embezzlement	494	14%	0.4%	3%
False claims	514	40%	0.2%	18%
Tax fraud	525	35%	0.4%	13%
Mail fraud	444	55%	1.6%	27%
Random other	612	67%	1.1%	36%
Total	5781	63%	1.4%	33%

(Source: Federal presentence investigation reports and computerized case disposition data provided by the Administrative Office of United States Courts.)

Exhibit 7

CHARACTERISTICS OF CONVICTED FEDERAL OFFENDERS, BY OFFENSE, 1975-78

	N	Percent Male	Percent Black	Median Age*
Homicide	527	88%	46%	28
Bank robbery	656	94%	52%	26
Drugs	651	86%	19%	48
Postal theft	144	90%	27%	45
Forgery	673	75%	49%	28
Bribery	541	90%	8%	31
Bank embezzlement	494	53%	21%	28
False claims	514	74%	40%	40
Tax fraud	525	92%	9%	49
Mail fraud	444	85%	19%	36
Random other	612	88%	29%	46
Total	5781	85%	30%	43

*At the time of conviction.

(Source: Federal presentence investigation reports and computerized case disposition data provided by the Administrative Office of United States Courts.)

Exhibit 8

SOCIOECONOMIC CHARACTERISTICS OF CONVICTED FEDERAL OFFENDERS, BY OFFENSE, 1975-78

	N	Percent High School Graduates	Percent Married*	Percent At Least $1000 Monthly Income
Homicide	527	31%	30%	3%
Bank robbery	656	45%	29%	5%
Drugs	651	61%	40%	18%
Postal theft	144	76%	65%	34%
Forgery	673	39%	32%	6%
Bribery	541	72%	80%	60%
Bank embezzlement	494	90%	56%	13%
False claims	514	67%	53%	32%
Tax fraud	525	65%	78%	65%
Mail fraud	444	62%	58%	23%
Random other	612	51%	47%	20%
Total	5781	54%	46%	20%

*Includes common-law marriages.

(Source: Federal presentence investigation reports and computerized case disposition data provided by the Administrative Office of U.S. Courts.)

Exhibit 9

SANCTIONS APPLIED TO CONVICTED FEDERAL OFFENDERS, BY OFFENSE, 1975-78

	N	Percent Incarcerated	Mean Term of Imprisonment Among Those Incarcerated (months)*	Percent Fined	Mean Fine Among Those Fined
Homicide	527	79%	70.0	1%	$ 300
Bank robbery	656	91%	78.0	1%	$2500
Drugs	651	69%	26.2	9%	$3000
Postal theft	144	26%	6.8	15%	$ 500
Forgery	673	50%	18.1	5%	$ 500
Bribery	541	41%	7.4	65%	$2500
Bank embezzlement	494	24%	9.5	9%	$ 500
False claims	514	39%	12.0	23%	$1500
Tax fraud	525	39%	6.3	65%	$3000
Mail fraud	444	47%	17.6	21%	$1000
Random other	612	53%	32.1**	16%	$1125
Total+	5781	50%	29.3	14%	$1475

*Mean length of time served was estimated from the sentence, release guidelines used by the U.S. Parole Commission, good time provisions of the Bureau of Prisons, and Federal statutes.

**Linear regression estimate based on the relationship between incarceration rate and mean prison term for the other ten offense categories. ("Real" time could not be readily calculated for this offense category in the manner used for the other categories.)

+Aggregate proportions and means are calculated using numbers of Federal convictions (reported in the *Annual Report of the Administrative Office of the U.S. Courts*) as weights.

(Source: Federal presentence investigation report face sheets—Probation Form 2.)

Exhibit 10

PREDICTORS OF THE JUDGE'S DECISION TO INCARCERATE FEDERAL OFFENDERS, BY OFFENSE, 1975-1978*

	N	Amount of money or property involved	Criminal history	Trial rather than plea	Sex (male)	Race (black)	Unemployed	Other
Homicide	527				+		+	✓
Bank robbery	656	+	+				+	✓
Drugs	651	+	+		+	−	+	✓
Postal theft	144							✓
Forgery	673	+	+	+	+		+	✓
Bribery	541			+	+			✓
Bank embezzlement	494	+	+		+			✓
False claims	514	+	+	+		+		✓
Tax fraud	525	+		+	+		+	✓
Mail fraud	444		+	+	+		+	✓
Random other	612	+	+	+	+	+	+	✓

*A "+" (or "−") signifies that a factor was found to be positively (or negatively) related to the decision to incarcerate at the .05 level of statistical significance, based on a multivariate probit analysis. A "✓" indicates that one or more other variables were also statistically significant.

Exhibit 11

PREDICTORS OF THE EXPECTED TERM OF INCARCERATION ("REAL" TIME) FOR THOSE SENTENCED TO FEDERAL INSTITUTIONS, BY OFFENSE, 1975-1978*

	N	Amount of money or property involved	Criminal history	Trial rather than plea	Sex (male)	Race (black)	Unemployed	Other
Homicide	527		+		+		+	
Bank robbery	656	+	+				+	✓
Drugs	651	+	+	+	+		+	✓
Postal theft	144	+						✓
Forgery	673	+	+	+	+		+	✓
Bribery	541		+	+				✓
Bank embezzlement	494	+	+		+			✓
False claims	514	+	+			+		✓
Tax fraud	525	+	+	+	+		+	✓
Mail fraud	444	+	+	+	+		+	✓
Random other	612	+	+	+	+		+	✓

*A "+" signifies that a factor was found to be positively related to the expected term of imprisonment at the .05 level of statistical significance, based on a multivariate tobit analysis. A "✓" indicates that one or more other variables were also statistically significant.

Zero-Sum Enforcement: Some Reflections on Drug Control

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FROM ALL official accounts, the "war against drug abuse" has resumed. Additional resources are being requested by a host of agencies to stem what some have described as a "heroin epidemic." Yet in a time of declining police resources, it is unlikely that the police will be in a position to effectively diminish the availability of narcotics and dangerous drugs and even if given the resources, serious questions remain with respect to what goals should be pursued.[1] Contemplating consolidation of Federal drug enforcement efforts in an attempt to evolve a coherent control policy, the Reagan administration has recently reorganized the Drug Enforcement Administration under direct control of the Federal Bureau of Investigation.[2] Regardless of how enforcement responsibilities are allocated, however, it is clear that sound and efficient enforcement practices require a serious re-examination of past policies. Personal philosophies and institutional ideologies must, out of necessity, be supplanted with reasoned and disciplined dialogue. Inasmuch as narcotic enforcement often represents an emotional and moral response to an irresolvable dilemma, a coherent enforcement posture can emerge when facts are clearly articulated and policies carefully circumscribed. The future of drug enforcement is dependent upon the ability and capacity of the police to prioritize the drug problem, realizing that a "full enforcement of the law" philosophy must give way to the selective and judicious allocation of the finite police resources.

The Dilemmas of the Drug Enforcement Administrator

The noted Harvard economist, Thomas Schelling, once wrote "It is a matter of public policy which determines black markets." Truer words have never been spoken, for it is clear that legislative policies have created a viable and by most official accounts, a lucrative illicit market. Marijuana certainly represents a multimillion dollar business, cocaine is being used by all social stratas of society with increasing frequency, and estimates of heroin use and abuse suggest that this illicit market has captured a healthy share of the underground economy. The fact that an ounce of heroin or cocaine is worth more than an ounce of gold vividly illustrates the profitability of this illegal market. Moreover, the quantities of marijuana, heroin, and cocaine being seized certainly implies considerable if not significant public demand.[3]

Enforcement rationales which have emerged over the past several decades have basically relied upon simplistic measures of productivity which may not be related to success or impact on the problem. Traditionally, enforcement administrators have placed undue value on the quantity of narcotics seized, often providing impressive and startling financial estimates with respect to the value of the seizure. Within the past decade, we have witnessed additional indicators to demonstrate an effective and efficient enforcement strategy, namely purity levels and major conspiracy convictions. While such data is certainly valuable in terms of measuring productivity levels, requesting additional resources, and/or providing the public with an increased sense of security, this data is of cautioned utility in assessing the impact of the enforcement action on the illicit market.

For instance, if we assume that seizures of illicit drugs represent no more than 5 percent of the illicit market (a liberal estimate according to most law enforcement officials), we may conclude that 95 percent of the illict market remains untouched. Said differently, the 5 percent "loss" merely represents "overhead" or operating costs, analagous to a licit market where regulatory costs and losses are ultimately passed on to the consumer. Of course, in some cases a regulatory action may force marginal entrepreneur to liquidate, particularly one who is operating on slim profit return. Similarly, an enforcement action in the illicit sector could conceivably result in the elimination of the entrepreneur from the market, but unfortunately demand usually remains constant. Thus, it is only a matter of time—possibly minutes—before another entrepreneur, probably better organized, having access to more resources (political as well as economic) replaces the less sophisticated or amateur entrepreneur. Hence, an enforcement policy which subscribes to a quantity or dollar-value approach—one which measures success in terms of the amount or worth of drugs seized—may only create a more serious enforcement problem: the organization of a market which was heretofore unorganized. The implications of this phenomenon are certainly far-reaching. For if we have learned nothing more from the Prohibition Era, enforcement represents at best a symbolic response to a moral dilemma, and at worst, a perversion of the criminal justice process.[4]

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[1] *Wall Street Journal*, "Millions From Drug Traffic. . . ." November 9, 1979; *The New York Times*, "Heroin Trade Rising Despite U.S. Efforts," February 15, 1981, p. 1; Government Accounting Office, "Gains Made Controlling Illegal Drugs, Yet The Drug Trade Flourishes," October 26, 1979.

[2] *Narcotics Control Digest*, "Rumor of Folding DEA Into FBI Rears Its Head Again," May 6, 1981.

[3] *Narcotics Control Digest*, "DEA Administrator Bensinger: New Laws, More Resources Needed To Deal With Drugs," December 24, 1980, p. 1-10.

If, on the other hand, the police adopt a quality approach to the enforcement of narcotics and dangerous drug laws, such evaluative standards as purity levels and the stature of the individual(s) arrested are used to assess impact. Regretfully, these indicators are also fraught with serious policy deficiencies. Said differently, the diminution of the purity of a particular drug or narcotic after an aggressive enforcement effort does not necessarily reflect effectiveness (nor should we necessarily assume a cause and effect relationship). For example, as drug purity diminishes, and exchange rates remain stable, the attendant effect is greater profits to the distributor. Pragmatically, if a $10 "bag" of heroin, assessed at 30 percent pure in 1980 and is only 2% pure in 1981, this same "bag" of heroin in 1981 would cost the consumer $150. Of course, price and purity are most likely a product of inflation and available supply. And supply may be affected by factors other than enforcement, hence any conclusive statement on enforcement effectiveness based on levels of purity must be viewed with considerable circumspect.

The remaining indicator of success or effectiveness—the stature of the individual arrested—also presents a measurement dilemma. Conspiracy cases have taken additional significance in the past decade, and with the passage of the Racketeer Influence Corrupt Organization Act (R.I.C.O.), the Federal Government has moved aggressively at criminal organizations trafficking in illicit narcotics and dangerous drugs. Clearly, the convictions of the infamous Leroy "Nicky" Barnes, Jamiel "Jimmy" Chargar, and a host of other notables represented a well-directed and selectively focused approach to narcotic enforcement. Yet the limitations at this approach also must be recognized.

First the allocation of resources is considerable and the results are often minimal. While a well-documented, professional and/or organized criminal entrepreneur(s) has been arrested and convicted, the impact on the criminal organization may only be temporary. Analagous to a corporation which loses the services of its highest administrator, or even the entire echelon of upper-level administrators, the corporation ultimately survives and may even surpass previous earning capacity. New and innovative ideas often replace old and traditional methods of management, there is an initial surge of energy (and power), and the younger (but less experienced) administrator seeks to carve out territory. Similarly, the arrest of the upper echelon of a criminal organization, while symbolically impressive and certainly difficult, may only "make room" for the "new breed" who are seeking to make their mark. Hence, the traditional rules which governed relationships among criminal organizations and with the police may undergo serious revisions, creating a period of instability. Presumably, this period of instability will diminish profits as new rules are being renegotiated. However, the problem for police is exacerbated: the unintended consequence of criminal disorganization is often an increase in internecine violence.

Secondly, a focused approach directed toward an identified criminal organization may only enhance the prestige and economic resource of a competitor organization. If the recent television series, *The Gangster Chronicles*, has demonstrated nothing more, it clearly suggests that even within the world of organized crime, there are passive and aggressive criminal organizations. While the police are just beginning to acquire the capacity to identify criminal organizations, they have not progressed past this rudimentary stage to more sophisticated forms of criminal intelligence analysis. Thus, it is likely that the imprecision of a focused enforcement effort, even when directed toward an identified criminal organization, may only serve the expansionist ideology of a more aggressive competitor. "Success," while impressive as it may be, has only served to expand the power, influence, and economic domain of this aggessive competitor.

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[4] "Prohibition: A National Experiment," *The Annals*, September 1932.

Lastly, if an enforcement action against criminal organizations affects its ability or capacity to generate profits, the costs to the consumer will increase. Said differently, an effective enforcement will increase risk, thus price. For those who are dependent or addicted and have no access to legitimate economic resources, predatory crime may be an unintended consequence. For those who have access to legitimate economic resources, an increase in white collar crimes may be expected. And for those who have no dependency or addiction, they will more than likely be dissuaded from continued use. Of course, it must be recognized that to maintain this optimum risk threshold, the costs to law enforcement resources will increase substantially. Moreover, while this risk threshold is being maintained, the criminal organization may opt for supply restraint, or in effect create an artificial shortage ultimately raising the cost to the consumer. Thus, random aggressive enforcement may be most advantageous to the more sophisticated criminal entrepreneur/organization, for the net effect is increased profits. This unintended consequence has certainly proven valid in the licit sector of the economy, for as the oil supply was artificially restrained, consumers paid more for less, and ultimately the oil industry profited.

Surely, the dilemmas presented to the narcotic enforcement administrator are varied and complex, yet there is a need to incorporate this knowledge into a coherent and substantive approach to the problem.

The Need for Market and Strategy Analysis

Within the context of proscriptive enforcement policies, law enforcement is tasked with what are conflicting and elusive goals. That is, if the police seek to dissuade heroin use, they may unconsciously promote an increase in predatory crime. Similarly, if major conspiracy investigations are to be the primary focus of enforcement, supply may be artificially constrained, increasing the cost of heroin to the addicted. Thus there is a distinct need to understand more about the illicit market and how law enforcement policies affect the market.

The Nature of the Market

Our understanding of the illegal narcotics market is vague and fragmented. Policymakers have been ill-equipped to evolve sound and rational strategies from the "quality" of the data available. However, given its natural limitations, it is possible to discuss strategy from the soft, inferential data which does exist but is seldom analyzed. Succinctly, we can arrive at several qualified conclusions regarding the illicit drug market.

- *Non-monolithic.*—It appears from the numerous investigations conducted that this illicit market is comprised of criminal networks which are extremely fluid in structure and share in the various divisions of labor. This in many respects compounds the ability of police to successfully disrupt a criminal network.
- *Decentralized.*—With the exception of the heroin market, the data seems to suggest considerable decentralization of control over market allocation. This, too, has negatively affected the ability of law enforcement to mount an effective strategy against a controlling entity.
- *Violence.*—Because of the apparent lack of central control, the market is plagued with an extraordinary level of competition, often resulting in relatively high incidence of violence.
- *Corruption.*—The corruption which exists in this illegal market appears to be situational as opposed to systematic. Criminal networks generally *do not* appear to use the police to eliminate competition or enforce internal sanctions (as has been found in other illegal markets).
- *Money Flow.*—The data seems to suggest that money and drugs flow independent of one another. Seldom are profits seized with drugs, which again has serious implications for enforcement policy.
- *Diversity.*—The data indicates that this particular market is ethnically and socioeconomically heterogenic.
- *Elasticity.*—This illicit market appears to be extremely inelastic in that a change in price negatively affects demand. Simply, as price rises, demand diminishes.
- *Price.*—It appears that cost is related to a variety of factors, enforcement (e.g., risk) being only one.
- *Polymarket.*—This illicit market can best be described as a polymarket,—comprised of numerous illicit substances each of varying quality. In this respect it is important to recognize that enforcement strategies must be tailored to the exigencies of the particular market.

In summation, it appears that the fluidity, diversity, and competitiveness found to exist in this market have made it uniquely immune from traditional enforcement strategies. Regardless of resource allocated, the market has a regenerative quality which seriously constrains the policy options available.

Creating a Criminal Monopoly

Assuming the theories of rational expectations are applicable to this illicit market, changes in enforcement strategies can have a significant impact upon demand, since criminal entrepreneurs (like their "legitimate" counterparts) acting in their own self-interest, will seek to minimize risk and take advantage of opportunities. Inasmuch as this illicit market is responsive to enforcement pressures, the role of the administrator is to apply the criminal sanction in such a manner so as to induce the desired results. Applying techniques employed by market analysts, policy options (other than random arrests and prosecutions) are only limited by the imaginations of innovative administrators. Let us illustrate our point using the petroleum industry as our central focus for reference.

In analyzing the effects of monopoly on consumer behavior, we find that the collusive pricing practices of O.P.E.C. did in fact alter consumer behavior. For instance, the higher price of fuel oil resulted in (1) dissuading *casual* use of the automobile, (2) a consumer shift to smaller, more economical vehicles, (3) the lowering of thermostats, and (4) the birth of new energy industries, (e.g., gasohol, solar, wood stoves, and coal). Clearly, the effects of price control brought about by monopoly seriously affected consumer demand. Ironically, the heroin market bears remarkable resemblances to the petroleum market.

Schelling once remarked, "Surely some of the interests of organized crime coincide with those of society itself. . . ." If our public posture toward heroin must remain one of proscription, we must then reflect upon the type of market which would be most advantageous, or should we say less deleterious to the social fabric of society. It would appear that a law enforcement strategy which induces a criminal monopoly, while fraught with serious political implications, may be in the best interest of society providing that the legitimacy of the political and criminal justice processes are not compromised in the process.

For example, if the police through enforcement were able to eliminate competitive networks engaged in the importation and distribution of heroin, it seems likely that price would be affected. In that a criminal monopoly (similar to a "legitimate" monopoly) is concerned with constricting supply, inhibiting competition and ultimately increasing price, we may conclude that the effects will be (1) dissuading use by the casual user, (2) a shift or diversion in user demand to other drugs, and (3) the emergence of new illicit substitutes. Since it is the "user" population which comprises the largest segment of consumer demand for heroin, it appears that this enforcement strategy would be most advantageous to containing the use of heroin. Of course, we must also be cognizant of the more deleterious effects of such a policy, primarily on the addicted. Whereas law enforcement officials contend that the addicted are responsible for the majority of property crime, a criminal monopoly will, in effect, raise the cost of heroin to the addict, possibly increasing the rate of crime. It is the recognition of this unintended consequence which must be incorporated into our policy analysis.

Encouraging Competitive Markets

Again, if we assume that consumer demand can be effected through (among other variables) an enforcement strategy, it may be possible to induce a competitive market. While it may sound somewhat ironic to suggest competition in this illicit market, there are several reasons which may influence our decision on this matter.

First, if we look at competition in licit markets, it is readily apparent that *real* competition ensures a relatively quality product at a reasonable price. This was certainly witnessed in the auto industry (of late) where foreign manufacturers were capable of effecting consumer demand. Applied to the illicit market, then, competition should certainly reduce the cost of the product (let's use heroin as our product) making it available to those addicted at a more reasonable price. If, as enforcement authorities suggest is true, addicts are responsible for the greatest percentage of crime, the drop in the cost of heroin should also result in a comparable reduction in crime (since addicts will not need as much money to purchase heroin).

Secondly, competition in legal markets allows the consumer a choice. If one product does not meet the need or desire of the prospective user, another choice of a comparable, lesser or even superior quality exists. Similarly, in the illicit market, if competition is established in an illicit market, the ultimate consumer (in this case again, the addict) can seek out a comparable substitute. The implications of this freedom of choice are certainly clear: The supplier who consistently provides a product of marginal quality eventually is forced out of business. This minimizes the allocation of finite resources by permitting the market to regulate itself, thus allowing the police to concentrate upon those criminal networks which are seeking to gain exclusive control of the market.

Third, not only does competition weed out the marginal supplier, it also encourages sources of information, thus enhancing the investigative process. In this respect, the illicit market does not differ significantly from the licit market; for in a highly competitive environment, the regulatory process (or enforcement process) can have a deleterious effect on profit margins. Given intense competition among several criminal networks engaged in the distribution of a particular commodity (e.g., heroin, cocaine, marijuana), it is usually the more efficient criminal organization that may use the police to eliminate competitors. Thus, it becomes quite apparent that in a highly competitive market information will be more available, allowing the police choices (i.e., alternatives) in what they will and will not pursue or investigate. Hopefully, in arriving at this decision, the implications of this choice will be more obvious (although not necessarily more comforting).

Lastly, a competitive market inhibits the concentration of power—social, economic and political—which is often characteristic of a monopolized market. As we previously implied, the political consequences of a criminal monopoly is the exclusive power which a criminal organization exercises over not only the illicit market, but also licit markets—policy, politicians, legitimate business, etc. By encouraging an unstable market through an enforcement strategy, the police are at the very least, able to retard the growth of criminal monopolies, which if unchecked, may gain a sizeable and certainly exclusive hold of a particular market making it less susceptible to police intervention.

Of course the problem is, how do the police affect market conditions? Simply in the manner in which they allocate resources. If, for instance, the police seek to encourage a criminal monopoly, investigative resources should be prioritized toward those independent, less aggressive or marginal criminal entrepreneurs who are attempting to acquire a stake in the market. If on the other hand, the police subscribe to a competitive enforcement strategy, criminal networks which are seeking to acquire monopoly or exclusive control of the illicit market are prioritized over their less aggressive counterparts. It is this concept of selective enforcement which remains fundamental to developing narcotic enforcement strategies.[5]

Strategic Management of Resources Through Goal Setting

While we have engaged in some rather rudimentary forms of market and strategy analysis, we cannot underestimate the need for applying this type of analysis to enforcement decisionmaking. There are certain realities to enforcement; realities which are often neglected by legislators and citizens in their quest for solutions to some of our most enduring and frightening social problems. "Full enforcement of the law," a popular clique among traditional law enforcement administrators must, out of legal and fiscal necessity, give way to the intelligent, judicious and selective allocation of finite police resources. The decade of the eighties will unquestionably represent an era of necessary circumspection; where decisions on how to allocate resources (that is, spend money!) must be made consciously and with an understanding of what it is that must be controlled. While decisionmaking in law enforcement is always political, it need not be fiscally irresponsible. The *business* of police management involves more than enforcing the law. Unless the police acquire the skill and sophistication in making critical policy choices, the future looks as dismal as the past. The strategic management of police resources, constantly balancing the costs to be incurred against the intended benefits and unintended consequences, provides a clearer sense of direction in the future.

While the development of an appropriate enforcement rationale represents a formidable task for the narcotic enforcement administrator, establishing and implementing enforcement goals appear to remain elusive. Indeed, as we wander through the various definitions of the drug problem, we are confronted with inherent conflicts and contradictions which often paralyze the decisionmaking processes. Although we are sensitive to the dilemmas confronting the administrator, without the verbal and written articulation of goals, any program becomes unmeasurable and ultimately, meaningless. This will result in well-intentioned efforts being ritualized and symbolized to demonstrate success. Let us briefly address the goals available to the narcotic enforcement administrator, realizing that regardless of the inherent conflicts that exist, viable programs require the formal articulation of goals.

Reducing Public Visibility

The most expedient and certainly popular goal of a vice commander is reducing the visibility of drug use and abuse within a community. Often community pressure is the primary reason for pursuing such a goal, and police must remain sensitive to community interests. While some may perceive this goal as symbolic in nature, it is certainly not inappropriate for the police to engage in symbolism if the result is community support. Thus, while we clearly recognize that this goal may accomplish very little with respect to reducing supply and may have only a marginal effect on demand, it may in the short term allay community fear and frustration.

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[5] Mark H. Moore, *Buy and Bust*, Lexington, Massachusetts: D.C. Heath & Co., 1977.

Diminish Predatory Crime

Many narcotic enforcement officers suggest that heroin addicts are responsible for a large volume of predatory crime. While we may question the volume of crime these addicts are actually responsible for, there appears to be enough evidence to indicate that, at the very least, a significant (5% - 20%) percentage of property crime could be eliminated if addicts were able to acquire their necessary "fixes" at reasonable costs. Assuming that legal dispensing of heroin remains out of the question, the next likely alternative is lessening enforcement efforts against heroin addicts, hopefully reducing the cost of heroin to addicts (assuming cost is related to risk). Understandably, this enforcement strategy is unpopular, for there is a countervailing philosophy which strongly suggests that increasing enforcement against heroin addicts will either divert addicts to methadone maintenance programs or increase incarceration rates, having the effect of reducing predatory crime. Unfortunately, both arguments deserve further testing, for it is certainly arguable whether, in this illicit market, price is affected by local enforcement efforts and whether the criminal justice or the social service systems possess the resources to accommodate the large volume of arrests/diversions that would presumably be generated. Regardless, however, if the problem is defined in terms of predatory crime, the goal must be its reduction through diversion, incarceration and/or lessening of consumer costs.

Dissuade New Use Demand

If we accept that the state through the criminal justice process has an obligation to dissuade the use and abuse of various narcotics and dangerous drugs, we must then allocate the finite resources of the police toward that aspect of the problem that is most likely to yield the most beneficial results. In this respect, "beneficial results" shall be defined as dissuading those who have not yet experimented with an illicit substance. Assuming the police through enforcement are able to effect risk and inconvenience, it would appear most advantageous to focus available resources toward areas of "new use" and lessen enforcement in areas of "consistent abuse." Pragmatically, this could be translated into increasing the cost of drugs to "new users," the risks of being identified or apprehended, and forcing "new users" to areas where their probability of criminal victimization is significantly increased.[6] Moreover, it may be possible to measure this deterrence phenomenon if, under carefully controlled conditions, we were able to rigorously evaluate an experimental zone as opposed to a nonregulated zone.[7] This would in the long term enable law enforcement to make some conclusive statements regarding containment of the contagious qualities of heroin abuse.

Reducing Supply

If, on the other hand, the enforcement administrator opts for a supply reduction strategy, the focus of enforcement is directed toward the distributors or suppliers of narcotics and dangerous drugs. (In this case, the user/abuser is perceived as the "victim" of the supplier.) Criminal sanctions are applied for the primary purpose of increasing operating expenses, thereby reducing profit margins and interrupting distribution routes. It must be recognized, however, that this particular strategy assumes that the costs incurred will reduce profit—a tenuous assumption given the ability of the criminal organization to pass on costs to the consumer. Theoretically, at least, we must assume that it is possible to increase costs to such an extent so as to make the profit margin negligible, in essence forcing "bankruptcy" or permanent disruption. Of course society must sustain the costs of such enforcement, and if we have learned nothing more, such enforcement is costly. It is certainly arguable whether a demand or supply reduction strategy is most cost-efficient and effective. Nonetheless, it is this policy paradigm which deserves further empirical testing if administrators are to acquire the data necessary to subsequently assess their enforcement efforts. And it is certainly within the realm of management to selectively focus enforcement resources in order to measure effectiveness. Toward this end, the strategy must be carefully and systematically formulated, updated, and if necessary, reformulated.

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[6] Ibid.

[7] See "Toward A Heroin Problem Index—An Analytical Model for Drug Abuse Indicators," National Institute on Drug Abuse, 1978, for a method of assessing prevalence.

Divesting Criminal Monopolies

A most attractive goal with respect to narcotic enforcement that we can suggest is the redefining of the narcotic and dangerous drug problem in terms of criminal monopolies. The one aspect of the drug problem which appears to represent the greatest threat to society, and is least understood or discussed, is the monopolization of this illegal market by a limited number of criminal organizations. Once control over an illicit (or licit) market is exacted and maintained, supply can be artificially constrained, thus raising price and profit. Conceivably, the benefits of criminal monopolies—less violence, increased price thus dissuading new use, poorer quality, etc.—outweigh the purported liabilities. However, as we have witnessed in other illicit markets, the political and economic power which a criminal organization acquires when a market is monopolized can weaken and undermine the social fabric of the community to a greater extent than does the service being provided. It is from this perspective, then, that the divestiture of criminal monopolies may represent the most judicious allocation of narcotic enforcement resources, given the inherent constraints of the criminal justice processes. Essentially, then, we are arguing that conspiracy and racketeering investigations are a viable enforcement methodology, *providing the purpose is not supply reduction but market divestiture.*

Ensuring Market Stability

As we previously pointed out, encouraging market stability through the criminal monopoly provides law enforcement with a means of containing the contagious effects of heroin abuse. While we recognize that demand is dependent upon a number of factors, price is certainly a variable in this question. Inasmuch as we believe price to be related to risk (or the lack thereof), increasing the probability of being apprehended for distributing heroin would, under rational conditions, increase costs to the user/abuser. Moreover, price is related to competition (and the lack thereof), thus eliminating competition in this illicit market could have an appreciable effect on cost inflation. In effect, the goal is creating a criminal monopoly in this illegal market, "permitting" through enforcement, a stable, noncompetitive market. Ostensibly, this goal is politically unpopular, yet it brings to the surface and consciously articulates the complexity of enforcing laws which, although in the best interests of society, fail to acknowledge the economics of criminalizing marginal behavior.

Conclusion

Short of creating a police state where risk is increased at unconscionable levels, the ability and capacity of law enforcement to address what appears to represent a social and medical issue is appropriately constrained. As we previously pointed out, the enforcement strategies discussed all rely upon the rationality of the prospective "customer," "victim," or "supplier" to respond to various risk thresholds. Possibly, rationality may not adequately characterize the behavior of the customer, who often is the supplier as well as the abuser of narcotics and dangerous drugs. Nonetheless, if narcotic enforcement dialogue is to transcend the moral and philosophical arguments that have paralyzed enforcement strategies, understanding both the limits and strengths of the criminal sanction in establishing risk thresholds is central to a viable enforcement program. While impressive arrests and convictions sometimes occur, the durabilty and vitality of criminal organizations and illicit markets to regenerate appears to minimize any lasting consequence. In "Zero-Sum" enforcement, whatever the successes, there are undeniable failures.[8] If we have done nothing more than articulate the issues and revitalized the dialogue, we have achieved our modest goal.

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[8] Lester Thurow, *The Zero Sum Society*, New York: Basic Books, 1980. Thurow essentially argues that there is a loser for every winner which in fact constitutes a zero-sum game. Applied to narcotic enforcement, for every gain there is a commensurate loss.

Inreach Counseling and Advocacy With Veterans in Prison

BY BRUCE PENTLAND AND RAY SCURFIELD, D.S.W.*

THE MAJOR elements of a rehabilitation oriented "inreach" pilot project for incarcerated military veterans are described: sponsorship of incarcerated veterans in self-help groups, organization of community resources into a team that brings services into the prison system, diversionary program for veterans in pretrial confinement. Services are provided within the framework of a "reality counseling" approach, including specialized services for military veterans—such as postcombat stress readjustment issues. The Veterans in Prison (VIP) Program utilizes a model of self-help within the prisons, and joint VA and community agency VIP teams that service incarcerated veterans. It is one approach to integrating the seemingly competing demands for a range of specialized services for incarcerated veterans in an era of reduced fiscal resources.

Scope of the Target Population

It has been estimated that there are about 22,500 prisoners within the California State correctional system[1] and probably between 25 percent and 33 percent are veterans who have served on active duty in the U.S. military. Nationwide, it is projected that there are about 130,000 incarcerated veterans[2] in state and Federal facilities. In California alone, this means that over 5,000 (estimated) veterans are serving time in state and Federal facilities. One can assume that equivalent percentages of inmates/veterans exist within city and other local facilities, not to mention those veterans who are on parole or probation. This is a sizable group who are potentially in need of specialized understanding and interventions—particularly veterans of the Vietnam conflict—to assist in their rehabilitation needs.

In addition, there are serious fiscal considerations. It costs approximately $13,000[3] per year for each incarcerated veteran's upkeep. We are currently in a time of shrinking governmental resources and budgets which affect mental health and rehabilitation programs significantly. It behooves everyone concerned with rehabilitation services to incarcerated persons, and to veterans, to begin to identify and utilize methods for providing a comprehensive range of services in the most economical and effective manner possible.

Veterans in Prison (VIP) Program

In July of 1977, a pilot project was established at the Brentwood Veterans Administration Medical Center located in Los Angeles, California, as a part of the Vietnam Veterans Resocialization Unit within Social Work Service. It is important to note that the Veterans Administration Department of Medicine and Surgery (e.g., medical centers and clinics), is authorized to extend medical or mental health services only to incarcerated veterans who were on an inpatient or outpatient status with a medical center or clinic at the time of arrest. Incarcerated veterans who can arrange with the correctional facility having jurisdiction over them to visit a VA medical center or clinic are entitled to the same services as any other veteran, regardless of incarceration status. In recognition of the large number of incarcerated veterans and their special needs, the VIP Program has been providing "inreach" rehabilitation oriented services to these individuals on a full-time, pilot project basis. Currently, there are VIP Programs at six long-term incarceration facilities, as well as at two central jails and two civil commitment facilities.[4]

The VIP Program consists of two full-time staff persons from the Brentwood VA Medical Center. One staff person is involved as the coordinator of the VIP Programs at the various correctional facilities. As the VIP coordinator, one of the primary functions is to serve as the recognized community sponsor and consultant for a Veterans in Prison self-help group at each of the facilities (where allowed). In turn, each correctional facility appoints a correctional staff person as the "inhouse" sponsor of the VIP group. The VIP group is based on a peer, self-help model of organization. There are elected officers of the group who facilitate the self-organization of veteran inmates through regularly scheduled meetings where veterans discuss areas of mutual concern, organize recreational/social activities and facilitate the attendance and participation of interested veterans with the VIP community resource team that visits the facility on, usually, a monthly basis.[5]

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[1] Memorandum sent to the California State Senate Finance Subcommittee #3 and to members of the California State Assembly Ways and Means Subcommittee #1, dated May 18, 1979.

[2] Percentages generally agreed upon during the Oversight Hearings on Issues Related to Incarcerated Veterans, United States Senate, July 11, 1979.

[3] L.A. Times, Monday, June 8, 1981, "Model Prison System Regenerating," John Hurst.

[4] Tehachapi State Correctional Institution (on both the medium and minimum security sides); California State Institution for Men at Chino (on the main yard; California State Institution for Men—East in protective custody facility); California State Institution for Women; Wayside Honor Rancho in Los Angeles County facility—programs are conducted on both the maximum and minimum security sides; The Los Angeles County Central Jail (men) and Sybil Brand Institution (women); and at Warm Springs Rehabilitation Center and Acton Rehabilitation Center (Los Angeles County Health Department facilities).

The VIP coordinator's second major function is to coordinate and maximize the involvement of a "team" of public and private community agencies that bring services to the VIP group members through regularly scheduled visits to the correctional facility. The organization into VIP teams of such already existing community resources concerned with services to incarcerated persons serves a number of objectives. One objective is to provide an onsite comprehensive, one-stop range of services readily accessible to inmates that no single agency could adequately provide. A second objective is to serve as the community resource liaison contact with the correctional facility staff. This accomplishes two purposes. The prison staff generally prefer a single person to communicate and deal with in terms of both screening requests from community resources, and in coordinating participation at the various community agencies. The VIP coordinator provides these functions.

Also, the VIP coordinator works and is familiar with all of the major local, state and Federal facilities in the greater Los Angeles area; thus, the coordinator insures the optimal distribution of scarce community agency resources into teams specifically tailored to the needs of the veterans at each correctional facility. Therefore, each agency involved with the VIP program either makes regular visits as a part of the VIP team, or accepts inquiries referred to them after the prison visit by the VIP coordinator.

Each agency is a specialist in the provision of services that address one or more of the needs of incarcerated veterans. The agencies involved currently include state, nonprofit, Federal, and local grass-roots programs.[6] It is important to note that the makeup of these "teams" is not static. As changes occur within the contributing agencies, this affects the extent of their ability to participate within the VIP program.

The second counselor from the VIP program is involved in providing services in conjunction with the Forensic Mental Health Unit (FMHU), a Los Angeles County Mental Health program. This program is located at the Los Angeles County Central Jail and is geared to providing psychiatric assessments and recommendations regarding inmates who have a significant psychiatric condition. This VIP counselor was placed with the FMHU in July of 1980, following meetings between the FMHU and Brentwood VAMC staff concerning ways to improve working relationships between these two systems. The VIP counselor meets with identified male and female veterans currently in the Central Jail or at Sybil Brand Institution; he assesses the veterans' needs and motivation to participate in a mental health diversion program (psychiatric or substance abuse) either at a Veterans Administration medical center or at other community agencies.

The main thrust of this VIP/FMHU program is to provide such services to veterans in pretrial confinement status; a second service is to facilitate Brentwood VAMC or other VA staff liaison with the Central Jail facilities when a current VA psychiatric or substance abuse in- or outpatient is incarcerated. It is important to note that psychiatric screenings are also provided to insure that persons who should remain in the correctional system do so and are not inappropriately diverted to mental health programs. Many times the information possessed by a staff person at one of the VA medical centers can be most useful in effecting an appropriate decision. The VIP counselor also works closely with the courts, public defenders, public prosecutors and other legal personnel, as well as with the correctional system, VAMC evaluation and admission staff, other mental health workers, and family and significant others concerned with the inmate/veteran. All of these contacts are necessary to effect meaningful linkages between these three large and complex systems—the Veterans Administration, the Los Angeles County Jail, and the Los Angeles County Health Department. It is probably safe to say that this is the first systematic and effective programmatic relationship that has been maintained among these three large institutions.

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[5] At a number of facilities, the VIP coordinator first had to provide one-to-one services with individual inmates for a period of time in order to establish a good track record with the correctional facility officials and with the inmates. Only at that point did a number of the facilities then agree to allow the formation within the prison of VIP groups; there tends to be a concern, if not outright distrust, among the inmates in particular at most facilities over the formation of self-help groups.

[6] The Center for Veterans Rights is private agency that serves as an advocate for veterans and provides help with discharge upgrading and Agent Orange, post-traumatic stress disorder and other disability claims; the University of California at Los Angeles—Education Opportunity Center (for help with educational matters, including financial aid); the California State Department of Veterans Affairs (discharge upgrading, VA claims and informing incarcerated veterans of their VA benefits and rights); the Disabled American Veterans program (general VA information, disability and Agent Orange claims); the Career Planning Center (job placement and development assistance, located within the VA Regional Office in Los Angeles); and the Brentwood VA Medical Center (information and counseling and coordination of the VIP program, and referrals to various medical and mental health benefits and services).

Major Services of the VIP Program

Overall, the VIP program recognizes that the incarcerated veteran is a person who has a range of rehabilitation needs that are characterized and compounded by the fact that the individual has the status of both correctional facility inmate, and military veteran. Within the framework of the VIP group at each facility, the VIP community resource team makes a range of services available to those veterans who are willing to take advantage of the services offered. One set of services offered relates to the inmate in his/her status as a military veteran:

Discharge Upgrading.—Many incarcerated veterans are in need of discharge upgrading. This service assists veterans with other-than-honorable discharges from the military to apply for a change in their discharge status to under-honorable-conditions. Less-than-honorable discharges are overrepresented among minorities, and among incarcerated veterans. Oftentimes, the basis for which a less-than-honorable discharge was initially given may be contested on procedural and/or substantive grounds; for example, having received an undesirable discharge because the veteran admitted to usage of nonprescription drugs—and yet committed neither a crime *per se* nor was there dereliction of duty. Thus, veterans are advised of their rights and when there are possibly legitimate grounds to contest, the VIP counselor facilitates veterans' efforts to apply for an upgrade in their military discharge status.

VA Benefits.—Information and application assistance regarding various benefits and rights available to veterans is another important area of service to incarcerated veterans. This area of need and service is complicated and perhaps made even more necessary in light of the implications and restrictions recently imposed by legislation on incarcerated veterans. *Public Laws* 96-385 and 96-466 limit both the payment of VA educational benefits while incarcerated, and the receipt of service-connected disability benefits.[7]

Previously, incarcerated veterans were able to obtain, for example, full educational benefits for attending VA-approved, full-time vocational or educational training courses while incarcerated. From the VIP experience, VA educational benefits provided a double incentive to incarcerated veterans. It provided money for the veterans and their families both while incarcerated and upon release. In turn, the more the veterans felt that they still were a contributing part of the family unit, the more likely that the family unit would remain intact. This would of course frequently increase the chances for a successful reentry with the family, and reduce the chances of returning to prison. Receiving benefits while incarcerated also provided a method whereby the veterans could get viable "practice" working within the system to taste the rewards possible, e.g., serving time and concurrently bettering themselves through taking advantage of VA-approved training or educational programs. It also was tangible proof that society indeed had not "abandoned" them.

Legislation restricting veterans' benefits while incarcerated certainly is understandable and rational from a legal perspective. However, the authors of this article would suggest that not only do these restrictions emphasize punishment (from the inmate/veteran viewpoint), but because of this they can be detrimental to the rehabilitative process. "I served my country, and now they are taking away what I was told I would get by successfully completing my military obligation."[8] The VIP approach emphasizes to the incarcerated veteran that he/she has not permanently "lost" VA benefits by explaining the reasoning behind these laws, but in effect that they are in a situation where they must defer temporarily taking advantage of such benefits—until release from prison.

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[7] The legislative purpose of both P.L. 96-466 and P.L. 96-385 is to prevent "double dipping," i.e., the incarcerated veteran is already receiving food, clothing, housing and medical care at the expense of a governmental entity—either local, state or Federal. It can be argued that since subsistence is already taken care of, then to have the VA also pay the inmate for these expenses constitutes both waste and perhaps a "reward" for being incarcerated. P.L. 96-466 does allow for the VA to pay all educationally related costs (books, tuition, etc.) that is not paid or provided for by the correctional system. Dependent benefits, if allocated prior to October 16, 1980, will be paid. P.L. 96-385 does provide for the continuation of some disability benefits while incarcerated—a veteran with an award of 20 percent or more will have the award reduced to 10 percent during incarceration as of the 61st day of incarceration; a veteran with a 10 percent benefit will have the award cut in half during incarceration. However, dependents can contact the local VA regional office and seek Death in Compensation (DIC) benefits in lieu of these reduced benefits if the DIC benefits will be greater during the veteran's incarceration. It is ironic that if a veteran is hospitalized for treatment of a service-compensable condition (for example, a psychiatric disability), the VA will increase the award to 100 percent during the hospitalization. This is in spite of the fact that the veteran is receiving food, shelter, and treatment from the federally funded VA medical care system.

[8] It is important to note that such restrictions affect veterans only while incarcerated, or in certain circumstances while in work release or half-way house programs. Veterans still can utilize whatever VA benefits they are otherwise entitled to upon release from confinement.

Unless the veterans understand the rationale for these laws (e.g., to prevent "double dipping"), and have an opportunity to vent their feelings regarding these new restrictions, incarcerated veterans can become so turned off to "the system" that they will refuse to take advantage of their VA benefits at a later time, even though still entitled to them!

Another impact of this legislation is that in other regions of the U.S. where there are no VIP programs, the only VA resource accessible to incarcerated veterans is veteran's benefits counselors or other personnel from VA regional offices. However, regional office staff in the main who visited prisons have been concerned with benefits' information dissemination. Now, VA regional office staff have been directed, at their discretion, to eliminate prison visits because of Public Laws 96-466 and 96-385. This will leave both prison staff and the veteran/inmates with minimal or no onsite access to VA resources.

Agent Orange Claims.—Agent Orange is a toxic dioxen herbicide that was sprayed extensively throughout Vietnam as a defoliant. Growing numbers of Vietnam veterans claim that exposure to this chemical has caused many health problems such as skin condition (chloracne), numbness and tingling in the extremities, liver dysfunctions, multiple birth defects in their children, and so forth. The validity of such claims is hotly disputed by the VA and the major chemical companies that were involved in the production and/or distribution of Agent Orange. In addition, research studies have not yet offered definitive evidence regarding this issue. The Veterans administration has agreed to give medical examinations for Agent Orange claims, and maintain a central registry of such claims in case future evidence results in the VA allowing service-connected disability payments for Agent Orange-related conditions. At present, skin chloracne is the only Agent Orange-related condition recognized as service-compensable.

Advocates for Vietnam veterans have a responsibility to notify veterans of their rights regarding Agent Orange: To file a disability claim with the VA if they were exposed to Agent Orange, and help them with the application; and to refer them to receive a free VA medical evaluation for their physical complaints allegedly related to Agent Orange. Through the VIP program, such examinations can either be scheduled at appropriate VA facilities, if the individual's custody status so permits, and appropriate arrangements can be made to have the prison medical department provide transportation to the examination. In addition to assistance concerning Agent Orange claims, the VIP team assists the incarcerated veterans to apply for other possible service-connected disabilities that they may be eligible for, such as posttraumatic stress.

Posttraumatic Stress Disorder.—Psychological difficulties following exposure to trauma, such as combat experiences, are recognized in the *Diagnostic and Statistical Manual of Mental Disorders* (DSM III, 1980) under the diagnosis of "posttraumatic stress disorder." This is a subtype of anxiety disorder that veterans who served in heavy combat in Vietnam have been particularly likely to report. The stress disorder is characterized by various psychological symptoms, such as nightmares related to the trauma, and by postmilitary readjustment problems. The specific Vietnam experience, and possible connections and related concerns, will be discussed later in this article in its relationship to the Reality Counseling approach of the VIP program.

Community Reentry Needs.—Other areas of VIP services address needs of veteran inmates preparatory for community reentry. Such needs are similar to those of other incarcerated persons, and include areas like employment upon release, integration with significant others, housing, etc. One of the ways that these needs are addressed is through the use of VIP-sponsored community betterment visits. Inmates are allowed to come out of the prison, with a correctional staff escort, to attend relevant activities for the day, as arranged by the VIP coordinator. The qualifications for these visits are that the inmates be members of the VIP program at the institution, and that they be cleared and approved under existing regulations from the prison. These visits allow the veteran to come into the community and see, with the VIP coordinator, "how the world has changed (or not changed!)." Veterans can explore on a first hand basis employment and other resources. The day typically is utilized for job preparation, job interviews, information gathering, programming for post-incarceration, and so forth.

Goals and Methods of the VIP Program

The overall goal of the VIP program is to "help the veterans to help themselves" towards a successful rehabilitation. Two objectives toward accomplishment of this goal are to effect changes in attitudes, and to help the incarcerated veterans to obtain tangible and needed information, resources and services.

In terms of attitude changes, the major area addressed is that the responsibility for actions and the consequences thereof lie within the individual. The tendency to externalize responsibility to factors outside of the self[9] is a major issue that is constantly confronted within the forum of the VIP group meetings and/or individual counseling sessions. From the inmates' point of view, he or she can maintain and justify a feeling of alienation from society because "just about the only things I ever got from society were a tax bill and a draft notice. . . ."

However, the VIP approach is to not allow inmates to dwell on what *did* happen or *who* was at fault. Instead, the emphasis is on now and the future, e.g., goal setting, action plans to accomplish the goals, and following through on the plans. For example, many incarcerated veterans will quit in the middle of trying to apply for VA benefits, or for a discharge upgrade. Results, at least within the VA system, rarely come as quickly as the veteran would like, incarcerated or otherwise. The VIP program enables the inmates to voice their concerns, supports their tolerance and perseverance, uses "inside knowledge" about the VA system to facilitate processing of the veterans' requests, and in effect gives the incarcerated veteran the opportunity to experience some measure of success that *has been attained through following the rules and procedures of the system*. The importance of positive actions in response to expressed needs, always through "approved channels," is constantly stressed. In spite of restrictions on receipt of VA benefits while still incarcerated, the important factor still remains in the concept of individual responsibility, in helping inmates to develop positive, not self-defeating, attitudes about themselves vis-a-vis society.

Part of the process in achieving success within the rules of the system is learning how to communicate and receive communications in ways that are not self-defeating. All too often, the incarcerated veterans have been totally frustrated in dealing with others.[10] If the veterans make inquiries, they see their desires as being ignored, or misunderstood. When they feel anger or frustration, there is little understanding of how to express their concerns in a constructive manner. The results oftentimes are misdirected anger and hostility,[11] usually compounded by feelings that society holds the power to prevent the inmates from "doing what they know is best" and receiving just rewards.[12] To know how to live and function more effectively within a society that is not always fair, or just, or understanding, is part of the VIP approach toward attitude changes. We are all frustrated by the apparent insensitivity of bureaucracies and society, the apparently endless labyrinth of paperwork, procedures, counter-procedures, and seemingly impersonal attitudes of those "within the system." Since it is frustrating to everyone, to various degrees, in the final analysis it is the individual's own strength and skills that usually spell the difference between "success" (including staying out of prison), and "failure" (including being in prison). Such understandings are basic to the VIP counseling approach, and have their foundations in the concept of the individual's responsibility to him or herself, the family unit, and society.

Reality Therapy as Adapted to the VIP Program

For those familiar with the principles and theoretical underpinnings of "Reality Therapy,"[13] the VIP counseling techniques, strategies and philosophies are similar in a number of important ways. Reality Therapy postulates that if people feel that they are "nothing" (or in a zero state) and that everyone else sees them in this way[14], then they need take no responsibility for their actions. The incarcerated veteran oftentimes adopts this perspective. Reality Therapy places a primary emphasis on not giving the individual the opportunity to make excuses for his/her behavior. Many inmates will have all kind of "reasons" e.g., excuses, for being in prison. These are usually in the form of blaming others for their lives and thus externalizing responsibility. However, in Reality Therapy, the counselor is not interested in a person's past life as a controlling factor in his/her present situation:

> It is not only possible, it is desirable to ignore (his/her) past and focus in the present because contrary to almost universal belief, nothing which happened in (his/her) past, no matter how it may have affected him then or now, will make any difference once he learns to fulfill his present needs. . . .[15]

The focus is to try and facilitate the inmates' ability to not only take responsibility for their thoughts and actions, but to drop the facade of their "goodness" and recognize that their past actions have caused pain to others (including family and friends) through the actions that led to their being incarcerated. The focus is not just on the crime(s) for which they were arrested, but on the total life style and all those crimes for which they were not apprehended. The process whereby thoughts affect actions is constantly stressed, more through tasks than by direct counseling; there is just not enough counseling time to spend with each individual. However, by incorporating Reality Therapy techniques within the tasks assigned to the inmate veterans, some change inducements are introduced to the inmate. For example, the inmate is assigned and expected to do all paperwork plus all "inside" arrangements to enable the prison to allow him/her to receive an Agent Orange examination at a VA medical center.

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[9] Samuel Yochelson and Stanton Samenow, *The Criminal Personality*, Jason Aronson, New York, Vol. I, 1977, pp. 12, 17, 25, and 249.

[10] *Ibid*, pg. 457.

[11] *Ibid*, pg. 345.

[12] *Ibid*, pp. 277, 282 and Vol II, pg. 7.

[13] William Glasser, *Reality Therapy*, Harper & Row, 10 E 53rd St., New York, N.Y., 1965.

[14] Yochelson and Samenow, *The Criminal Personality*, p. 266.

[15] Glasser, *Reality Therapy*, p. 13.

The coordinator is in a difficult position as he must be both judgmental and non-judgmental at the same time. There is a need to indicate to the inmate that while his or her actions may not be condoned, the veteran still is accepted as a person. It is emphasized that lack of agreement with the veteran's behavior(s) is not to say that the veteran is wrong, is personally being rejected by the coordinator, or that the coordinator is right. The fact is that the world has many definitions of what is right, wrong, better, worse, good or bad. These definitions do vary with the times and are not necessarily equally applied to everyone. However, the VIP coordinator is not concerned with labeling behaviors as right or wrong, but in how present thoughts and attitudes affect behaviors; the "why" of the behaviors is really of secondary importance.[16] In addition, because of deep-seated negative attitudes about society, and the tendency to externalize blame onto others, there is a need to be directive and structured in dealing with incarcerated veterans. The VIP approach continues to stress that it is the veteran's own individual responsibility to get out, and stay out, of jail—regardless of what the veteran feels that society does, or is doing, to the veteran.

All of the preceding tactics and strategies in counseling are basic to the VIP program. However, one additional ingredient is crucial as well—trust. How does one continually confront inmate/veterans regarding their individual responsibilities, and also generate trust? The most direct way seems to be through demonstration of concern by a willingness to act with and on behalf of the veterans. This is accomplished in a number of steps. First, the coordinator is a model of consistency and immediacy—*always* being at the prison at the regularly scheduled times; always doing what is promised, etc. Secondly, the resources included on the VIP team are carefully screened by the VIP coordinator, and are required to make a specific commitment (sometimes in writing) regarding what services will be provided, when and by whom. If the resource is not good, and reliable, it is removed from the team. Thirdly, there is active followup when necessary outside of the prison walls, e.g., "walking a claim through" at the VA regional office, or advocating on behalf of a veteran to various agencies. Fourthly, timely feedback is given to the inmate about the claim or inquiry—by telephone, in writing and/or in person during the next prison visit. Finally, some positive results are essential. All of the above-mentioned steps are relatively meaningless if the coordinator/VIP team and inmates' combined actions do not produce at least some tangible accomplishments for a number of the veterans. Accomplishments may include applying for and actually receiving a discharge upgrade, or a veteran's benefit. However, at times the "accomplishments" may be nothing more than receiving positive "strokes" from the VIP coordinator and from oneself for putting forth sound, reasoned and persistent efforts, and having a better understanding of negative factors beyond one's control. It is not always necessary—or possible—to get just what one wants and at the time one wants it; but, it is necessary to get a response that addresses the issue — and learn from the process.

The Vietnam Experience and Reality Counseling

In contrast to "pure" Reality Therapy, which completely negates all historical material, there is discussion of some past experiences with incarcerated veterans. Notably, this occurs with the Vietnam experience. Indeed, Vietnam-era veterans (veterans who served in the military from 1964-1975) comprise about 80 percent of the VIP caseload. Many of the Vietnam veterans have had little or no positive opportunity to ever discuss their Vietnam or homecoming-from-the-war experiences which oftentimes have burdened the veteran with feelings of guilt over what he/she did or didn't do, or vivid memories about traumatic experiences that are carried around as long as 10 or 15 years later. There are a number of unique and controversial aspects surrounding this Vietnam experience. It was an unpopular war at home; there were widely publicized alleged war atrocities; most soldiers did not feel any ideological or national commitment to support their participation in the war. At best, there was an unwillingness on the part of many Americans, including oftentimes family and friends of the Vietnam veteran, to talk or encourage the veteran to talk about his/her war experiences; or, if they did talk, others would blame or otherwise criticize the veteran's role in the war. Other Vietnam veterans faced outright hostility back home; for example, some vets were advised to delete Vietnam from their job resumes, others were actually called "baby-killers" or "dope crazed Vietnam veterans."

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[16] Yochelson and Samenow, *The Criminal Personality*, pp. 10 (footnote) and 24.

In addition to the hostile reception, and or the lack of positive support from the home environment, the veterans themselves perhaps had and still have substantial conflictual and unresolved memories and feelings relating to their participation in the war—and about the "unwelcome home" so many received. It is common for Vietnam veterans (not just those who are incarcerated) to be disillusioned, bitter, and angry at society, the government, family and friends for either sending them into the Vietnam conflict, and then not supporting, "honoring," or being willing to listen to them upon their return. This is in sharp contrast to the "hero's welcome" accorded World War II veterans, the Iranian hostages, etc. (many a Vietnam veteran broke down and cried while watching the almost frenzied adulation that the hostages received when arriving back in the U.S.). The fact that many service organizations outright rejected or were less than happy about Vietnam veterans joining their organization—and in many cases this feeling still persists in 1981—only further alienated the Vietnam veteran. A recently published study further spotlights this problem; combat veterans are significantly overrepresented among Vietnam veterans who are having postmilitary readjustment problems, including incarceration rates higher than for veterans not in combat.[17]

Because it has been so difficult for many veterans to "put the war behind them," many do need a supportive environment in order to begin to sort out and attempt to make some sense of what they did, what happened to them while in Vietnam and afterwards, and what it might have to do, if anything, with their current situation and state of mind. The discussion of historical (e.g., Vietnam and homecoming) material does allow the possibility for the inmates to dwell on these past subjects, or to find excuses for past or current behaviors. Thus, some very clear ground rules must be established prior to accepting historical input. The VIP coordinator will listen to accounts dealing with current stress that seem to be bothersome or at least partly connected to stressful experiences encountered in Vietnam or in the transition from military to civilian life. For example, a veteran had a very close friend killed in Vietnam and continues to blame himself for his friend's death (e.g., one form of "survivor's guilt"). In such situations, the past event is not accepted as an excuse for present behaviors. The emphasis at all times is that there may be reasons for the veteran being in jail, but never an excuse. Rather, the focus is on taking care of the "unfinished business" relating to the Vietnam or homecoming experiences, accomplished at least partly through ventilation of repressed feelings and memories. (This process might result in referral for more indepth psychotherapy). Then it is essential to move on to deal with what is going on today, and what the incarcerated veteran needs to do to better take care of his or her needs and wants.

Clearly, dealing with unresolved issues related to past traumatic experiences is a significant deviation from the concept of Reality Therapy. However, it is felt that this is necessary because of the substantial negative and unresolved impact that the Vietnam experience often has had on current functioning, and in alienation from the larger society. It is likely that this is the first time that anyone, let alone someone in an authority position who is also a Vietnam combat veteran, has ever been willing to talk in a nonjudgmental manner with the veteran about this period in the inmate's life. And, on the other hand, the Vietnam veterans themselves are prone to put up barriers and be reluctant to discuss Vietnam or its aftermath with anyone—except perhaps with another Vietnam veteran. Thus, the opening up of such discussions can result in a beginning foundation of understanding and trust between the inmate and the VIP coordinator.

Discussion of combat experiences proceeds along a chronological line. Counseling usually begins at feelings and events surrounding induction into the military, and proceeds through basic training to Vietnam and postmilitary experiences.[18] General questions about feelings, emotions, etc., are not asked nor are they gone into. The same is true of motivational issues. What is discussed are the acts themselves, and the accompanying experiences. A perspective is placed on the time and the place in which such acts occurred and how they affect the veteran's current life.

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[17] The Center for Policy Research, Inc. *Legacies of Vietnam: Comparative Adjustment of Veterans and Their Peers*. March 1981.

[18] Tom Williams (ed.) *Post-Traumatic Stress Disorders Among Vietnam Veterans*. Disabled American Veterans: 1980. This book is available free to any therapist or counselor; it is the most definitive publication to date regarding the treatment of traumatic stress among Vietnam veterans. Telephone (513) 441-7300, or write to: National Communications Department, Disabled American Veterans, P.O. Box 14301, Cincinnati, Ohio 45214, to order one or more copies. Bulk orders are possible.

Conclusion

From the experiences gathered during the past 4 years in working with incarcerated veterans, the following facts stand out: There presently exist a sufficient number of community resources (local, state, and Federal governmental programs, and nonprofit agencies) to provide services to incarcerated veterans. Such veterans now number about 130,000, or approximately one out of three inmates being held in state and Federal facilities; about one-half of these are Vietnam or Vietnam-era veterans.[19]

What seems most needed are not new programs, but the development of a framework acceptable to the VA, community agencies and to the correctional systems, to include these programs within a larger effort of coordinated services accessible to incarcerated veterans. Correctional staff, by and large, are willing to allow viable programs into the prisons to aid the veterans. However, it is imperative that the VA provide more than pamphlets, or information dissemination. The authors of this article contend that the VA must assume the role of front-runner in the field of rehabilitation programs for veterans in prison. The tools are available. What is needed is the desire and understanding to use them to maximum effectiveness, both for the incarcerated veteran and for society as a whole. Such utilization can, at the least, reduce recidivism, therefore saving tax dollars, and provide a tangible service to veterans which require minimal or no increase in governmental budgeting to provide such services. In the case of the Vietnam veteran, understanding of the nature and ramifications of the Vietnam and homecoming experiences is an additional factor necessary for optimal rehabilitation of a number of incarcerated veterans.

The VIP program began as a pilot project to provide limited, direct services at two prisons. It now has expanded to include a range of direct and indirect services at six prisons, two central jails, and two civil commitment facilities—with a VAMC staff of only two. Such expansion has resulted from application of a self-help model of rehabilitation, and by organizing already available resources into a cohesive rehabilitation team. The potential exists for even further refinement and development of VIP programs—reduced staffing and budgetary cutbacks notwithstanding. Can we afford not to make such a commitment?

> FOR SOME TIME now direct counseling efforts have been the methodological scapegoats in criminal justice for their failure to deliver what they promised 20 or 30 years ago in terms of altering the course of criminal careers. There is no question that social workers and other mental health practitioners naively promised too much, but the claims that casework is a "dead-end" as far as criminal justice is concerned or that psychotherapy in general is "ineffective" can be challenged.
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> —GLORIA CUNNINGHAM, PH.D.

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[19] Bruce Pentland, "Incarcerated Veterans Do Not Fit the Stereotype," *The Military and Veterans Minority Observer*, February 1981 and April 1981.

The Probation Officer and the Suicidal Client

BY FREDERICK F. CASUCCI AND GARY K. POWELL*

SUICIDE is a difficult topic to review. Even probation officers, typically well versed in the study and observation of human behavior, do not easily come to terms with their own mortality. Death, by whatever means, remains a taboo subject in our youth-oriented, faddish and hedonistic society. Suicide remains the most feared and misunderstood of all the forms of death. The "murder of one's self" is abhorrent and insane, a needless waste of unfulfilled promise and a denial of our most urgent need: self-preservation. Nevertheless, in the United States a distressed individual attempts to "self-destruct" every minute, and 60 to 70 times per day someone succeeds. Each of us has the opportunity to enact this irreversible option, i.e., the choice of terminating life when continuation of the daily struggle no longer holds personal value.

The final act of suicide, apart from extinguishing one's own life-light, has immense and tragic implications for the survivors. The suicidal individual confesses and accuses, arousing feelings of guilt, resentment, and frustration in those left behind. Edwin Schneidman, who in 1958 founded the Suicide Prevention Center in Los Angeles, California, expressed it this way: "The suicidal person places his psychological skeleton in the survivor's closet." Stigma and shame envelop the survivors.

Why do people kill themselves? We realize that suicide is a highly personal tragedy with multiple, complex ramifications. The suicidal person is tragically upset and depressed, yet we know of others who carry heavier personal burdens and still persevere. We realize that the suicidal individual, while experiencing personal alienation and isolation, often self-imposed, is never 100 percent suicidal. The most ardent death wish is always ambivalent, rendering suicide more preventable than any other cause of death. The suicidal person, until the moment of death, begs to be saved and leaves behind a subtle, yet perceptible trail of clues leading toward his finale.

In conflict with this ambivalence is the failure of the suicidal individual to locate any available pathway to an emotionally tolerable existence. The distressed person, experiencing a growing sense of confusion combined with a diminishing ability to cope with daily problems, may see no alternative other than his premeditated death. The gloom of depression chokes off the individual's ability to rationally assess the situation, leaving in its place a haunting sense of hopelessness. At this low ebb, suicide becomes the final step of a process described by one observer as the "progressive failure of adaptation."

This emotional danger zone, when one loses the resourcefulness to utilize previously effective adaptive patterns, is a cruicial time where the "gate keepers," those of us who work in the front ranks of crisis intervention, can have the greatest impact. This potentially lethal crisis, at point of intervention, can be a time of growth and maturation. We first, however, must increase our sensitivity to recognition of suicidal clues and must become adept at the fundamental, psychological first aid required to cope with a potential suicide.

Our goal is to halt the distressed person from harming himself, not to remake his personality. We throw a lifeline to the drowning individual, but do not worry about teaching him to swim or to improve his stroke. We are suggesting limited goals in coping with a distressed person, who may be suffering from any one of several serious psychological problems or physical ailments. At the very least, he is suffering from an enormous sense of unhappiness which requires treatment beyond our scope.

We know that getting involved with somebody threatening suicide is a rough business, yet one that can be immensely gratifying after the sweat has dried. Suicide is a complicated, socio-psychological event, the seeds of which may be sown in early childhood but may be manifested at any age. Our goal in coping with a potential suicide is to establish communication with warmth, responsive listening, and understanding. Suicide is a tragic and unnecessary waste which can be prevented with timely intervention.

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We wish to share with you some knowledge and information that has proven beneficial in coping with potential suicides. We offer this data as a mental checklist which you can utilize if suddenly caught in the emotional whirlpool created by a client threatening suicide. Our objective is to help the probation officer recognize a potentially suicidal client and to instill the necessary confidence to deal effectively with the crisis situation. Our message is this: Whenever you perceive a cry for help, and it may be a muffled cry, be aware that it is a desperate cry; we must be attuned to the potential crisis and be capable and willing to respond to it.

Profile

We now wish to impart a thumbnail profile of the "typical" suicidal person. We noted earlier that the suicidal person does not want to die; *he wants to be removed from an intolerable social situation.* He is burdened by more stress than ever before in his life. No one is 100 percent suicidal. The suicidal person is seeking an emotional traffic cop, an authoritarian person to direct his emotions. He views his situation as *hopeless*, perceives himself as *helpless*, and has a *hapless* life history.

Suicide, thus, is the consequence of a long chain of mental and social events, a form of psychological erosion. *The suicidal person is getting psychologically "nickled and dimed" to death.* He is the victim of many frustrating problems and becomes emotionally blinded, turning upon himself in desperation. The suicidal person does not know where to turn for help.

Suicide is usually the result of a loss, whatever or whoever that may be. This is true especially if it affects a person's self-image. The following are psychological symptoms which typically fit the profile of a suicidal person.

The suicidal person suffers from severe depression. He suffers from "dichotomous logic," which is immature thinking that results in viewing the world in blacks and whites. For example: "The world must be the way I want it or I must die." The suicidal person also suffers from circular, 360-degree logic, which suggests that one does not attempt to appeal with logic to a suicidal person. The suicidal person clearly suffers from ambivalence. He has opposite feelings about the same thing. For example: "I want to live and I want to die; I love my children but I hate them also." We are all somewhate ambivalent, but not to this extreme. Another symptom is the dyadic nature of a suicide; suicide usually involves two people, referred to as the suicidal person and the significant other. The significant other can be a wife, husband, lover, child, boss, or landlord. The significant other need not be a person, but instead can be a concept such as nationalism. The suicidal person has a neurotic dependency upon the significant other, usually a person. Channels of communication in their relationship break down and the relationship is finally severed. In order to determine who the significant other is, one might ask, "If you did go ahead and kill yourself, who would be most affected by your death?" This is a quick method to learn who the significant other is. The significant other may then be contacted and, if he or she is amenable, may be used as a resource.

The suidical person always leaves clues of his purpose, whether behavioral or verbal, because he does not want to die, but does not know how to ask for help. *The strongest behavioral clue is a prior suicide attempt.* Eighty percent of the people who have committed suicide have tried to kill themselves at least once before. Other less dramatic behavioral clues may be sudden resignation from social groups; unexplained sudden recovery from a severe depression; crying for no apparent reason; setting personal and business affairs in order, as if going to take a long trip; planning one's own funeral after the death of a loved one; and giving away prized possessions with the explanation that they are no longer needed.

Verbal clues may be quite obvious: 'I'm going to kill myself"; "I wish I were dead"; "I'm not the man [or woman] I used to be"; "My family would be better off without me"; "I just can't go on any longer"; and, "The only way out is for me to die."

Therapeutic Response

The probation officer should be accepting, nonjudgmental, and supportive of his client for coming to him for assistance. the suicidal person is ready to explode and needs to ventilate; sharing his burden with you helps to lift the depression.

Once a working relationship has been established between the suicidal person and the probation officer, the latter needs to assess the degree of risk. Is the suicidal situation imminent or is it casual? Is this an emergency? If you suspect someone is suicidal, you may ask, "Are you so upset that you have been considering suicide?" Most people will seek to answer the question openly and honestly. We might be hesitant to ask the question for fear we will plant the suicidal idea in the client's mind. However, remember that suicide is something that is planned; it is not a spontaneous act. If the suicidal person answers affirmatively to the question, the probation officer must determine the degree of risk. If, upon further inquiry, the suicidal person outlines specific details of a suicidal plan, and he has the means to carry it out, the risk is imminent. At this point the probation officer should physically take the client to a local Suicide Prevention Center, Crisis Intervention Center, or hospital. In short, get some help!

If the situation appears to be more casual, the probation officer may try counseling. Attempt to alter the suicidal person's orientation from past and present to the future, such as arranging a counseling appointment. Attempt to reduce problems to "bite-sized ones" by reinforcing other alternatives. Assess the strengths and weaknesses of the suicidal client and find out his coping strategy. Try to contact the significant other, and you will quickly learn whether that individual is hostile or helpful. Try to formulate a therapeutic plan to counteract the suicidal plan. Mobilize as many of the person's resources as possible, but do not "spoon-feed" him, as it reinforces the notion that he is helpless. Suggest that he come to see you again or call you in the future. Stay in contact with the client so that you can keep apprised of his emotional status and can ascertain if he followed through with your suggestions and referrals. Finally, *do not take a person's suicide personally, as he may have been pointed in that direction many years ago.* You can only do your best to prevent suicide; you are not a miracle worker. The suicidal client must retain the responsibility for his own existence; we can only hope that he will heed your advice.

Our goal has been to acquaint the reader with the topic of suicide in order to provide a plan of action if you ever are confronted with such an intense situation. The intervention of a caring human being can do wonders for the suicidal client whose world has been perceived as cold, uncaring, and hostile.

An Experiential Focus on the Development of Employment for Ex-Offenders

BY STANLEY S. NAKAMURA
Probation Officer, U.S. District Court, Oakland, California

PROBATION has, in the past, traditionally been associated with the idea of rehabilitation; however, in recent years, the idea of providing maintenance service for the client has emerged. The present focus is to provide the client with as many tools as he or she would choose to use to better himself or herself and to achieve personal and financial independence within the acceptable framework of society. If the client chooses not to accept the services available, an effort is made to maintain the client within the community without criminal behavior for as long as possible on economic and humanitarian grounds.

One of the needed services offered the ex-offender is meaningful employment, which is still considered by many to be a panacea for society's ills, including criminal behavior. During the 3 years this officer has been associated with the employment of ex-offenders he has found that jobs are not the "cure-all" society expects. As in psychotherapy or any other self-help process, clients cannot be successful in employment unless they first choose to accept responsibility for themselves and their own actions. Once the choice has been made, a client is better prepared to face the demands and responsibilities of employment. One can be well trained in the techniques of job interview, job search, and the completion of work applications, but, if he or she chooses not to accept the responsibility of work, employment will not facilitate successful readjustment to society.

An ongoing study by VERA, entitled: "Linkages Between Employment and Crime: A Qualified Study of Riker's Releasees," (outlined in the Justice Assistance News, U.S. Department of Justice, March 1980, Vol. 1, No. 2) suggests the need for at least evaluating a person's predisposition for criminal behavior. Further, the study seems to support the idea that employment does not necessarily alter or prevent criminal behavior.

Community-Based Organizations

Many community-based organizations (CBO's) help the ex-offender find employment opportunities; however, CBO's vary greatly in the quality of service they provide, which many times is directly proportional to the amount of funding they receive and/or the extent of their involvement in political activity and the accountability required in the use of their funds.

When funding of CBO's is directly related to the number of people they place in employment, the agencies generally fail to maintain proper screening procedures, the quality of employment placement, and the supportive services offered the employer. Most organizations want to continue as an entity and, as a result, will concentrate on the number of ex-offenders placed in an effort to gain funding for the next year.

The Comprehensive Employment and Training Act (CETA) has been a prime mover in the funding of CBO's providing services and training for ex-offenders; however, the writer has found that most programs offered are inadequate. Although programs do exist that provide effective training, in most instances, the quality of training is not geared to the level required by industry (e.g., industry requires 60 words-per-minute). Many times quality standards are stated, but the trainees are allowed to pass without meeting the standards.

The programs are generally too short, try to do too much in too little time, and fail to address the reading, writing, and math needs of the trainee. An individual who is supposed to be helped is not truly confronted with the areas where he or she needs to improve. The client is given a false sense of hope, only to enter the job market and find that he or she cannot honestly compete.

Emphasis needs to be placed on job compatibility and then training. Any training should build upon and add to the skills already possessed by the individual. If more basic education is needed, these areas should be addressed before training begins. Training should always be according to industry standards. Personal and program accountability must be adhered to strictly.

Vocational programs in junior colleges and training schools are subject to some of the same problems as CETA programs. Many times vocational training is out of touch with present industry needs and standards, and lacks proper facilities, up-to-date machinery, and materials.

Considerations When Beginning an Employment Program

In the United States Courts System for the Northern District of California, a concerted effort has been made to establish an employment program because it was felt that such a program would provide real assistance to those clients interested in working. We have tried, within our limitations, to eliminate the mistakes made by other programs involved in the employment placement of ex-offenders.

As professional people, we must operate a quality program. We cannot become enmeshed in the numbers game if we are to be successful. It is hard to hold the line on quality when the need is great and when many others are concerned with numerics; but, the quality of placement must be maintained if credibility is to be established within the employer community. Training in job-search techniques, proper completion of employment applications, and interviewing will assist the client and provide more self-confidence. However, they are effective only when an individual's motivation, skill level, mental and physical limitations and propensity for criminal behavior have been considered and job readiness determined.

Establishment of relations with CBO's and private industry groups are recommended, since knowledge of community and employer activity is essential for proper placement. Notwithstanding the need for such relationships, this writer cannot emphasize enough that relationships must not be cultivated at the expense of our own integrity, reliability, and professionalism.

Client's Understanding of Employment and Our Understanding of His/Her Needs

There are no short cuts to a good job, and we are only fooling ourselves and hurting our clients when we do not deal with this reality. The client's age, handicap, skill level, etc., must be examined. He or she must accept the responsibility for arriving on time, attending daily, and producing quality work. Further, today's technology demands that we meet its requirements. It is necessary for the clients to understand the obligations they have to themselves to obtain the proper training in their fields of interest. We, as professionals, should demand effective programs that will provide the training to meet standards required for specific job opportunities.

Wages and benefits, and personal and family needs, must be a consideration in any good employment placement plan. For example, if a person has a family, the strain of revolving shift work may cause stress in the family and on the job. The results may be failure in one or both areas. If a client's spouse meets the proper employment criteria, thought should be given to finding employment for the spouse. Having one person in the family employed might increase stability and decrease anxiety within the nuclear family until the client can be placed.

No placement is better than *any* placement. If a good placement is going to be successful, the client at least must have partial fulfillment or you dramatically reduce the possibility of success.

Our attitude plays a large part in the success or failure of a program. We are not asking for a "hand-out" but attempting to provide a service. It is our goal to make the employer's job easier by helping him find good, qualified employees, and fulfilling his Affirmative Action goals. In this way we indirectly contribute to the company's success. Any social awareness the employer gains from this relationship is secondary, albeit important and needed.

Employer's Perspective

Most employers try to be forthright and honest if they trust you and believe you are interested in their welfare as well as that of your client. Believe an employer when he says he is not hiring, unless *long* experience tends to indicate otherwise. Ask him about possible hiring cycles, and then work at his convenience—not yours or the client's. It is particularly important that one continue to maintain contact with an employer on a regular basis. Just because a company is not hiring at the moment is not a good reason to discontinue visits with them or forget them.

Estabish a close, working relationship with personnel people, but do not stop there: Become acquainted with secretaries and other staff members. Treat them as friends and as you would wish to be treated. See them as people, not just as extensions of a large organization. Find out what their needs are, and do your best to meet them. Familiarize yourself with their industrial complex (if at all possible, take a tour) to see how work is actually performed and clarify in your mind specific needs and requirements. Be cognizant of the problems companies face, such as injuries occurring on the job, and screen potential employees physically and any other way which will assist the employer. Find out whether the company has only daytime work, straight shift work, rotating shift, regular working hours, or flex time. Inquire about the type of personnel problems the employer faces. Look at the client from the employer's perspective, and respond immediately, if possible, to an employer's request for assistance; if unable, provide the employer with a definite timetable as to when you will be able to assist him.

Reciprocations, such as tours to criminal justice institutions, etc., which might be of interest to the employer and expand his understanding of the ex-offender, should be arranged. The employment officer must also be aware that a great deal of business can be conducted during a "working lunch" in a less formal and more congenial atmosphere, where both the employer and employment officer can become better acquainted as individuals. Knowledge obtained in such meetings can enable the employment officer to effectively assist the employer in his personnel needs.

It costs a company to train an employee. One company who hired unskilled workers indicated that the training costs for each employee was approximately $1,000. At other companies, the figure could be much higher. If an employee is absent, the employer must still pay benefit costs of $2 to $3 per hour. When an employee is tardy, the employer may have to pay someone else time and a half, or even double time, until the tardy employee arrives. Hidden costs to the employer helps to emphasize the need for on-time performance, without absences, as an essential quality required for employment.

Client, Employment Officer, and Employer Relationships

The employment officer should counsel clients as to their attitude and appearance, and utilize the appointments they have with them as a means of training and screening. This means, of course, that the employment officer should train by example in deportment and dress. The client needs to understand that, if his word is accepted, a trust relationship has been established, and any break in his word is a breach of trust with you and with the employer. Trust extending from the client to the employment officer, to the employer and back again is the basis of a successful employment program.

Total honesty with the client and with the employer cannot be emphasized enough. The employer should fully know about the individual's criminal background, as well as any other information that might help the employer understand the particular client's circumstances and needs. If a client is unwilling to allow free exchange, he should not participate in the employment program. The employer, as well as the probation officer, is now being held responsible by the courts for employee behavior which results in injury to fellow employees or others if prior knowledge of client behavior might have caused the employer to take precautions which might have prevented a serious accident.

Evaluation and Conclusion

This officer has been able to establish some guidelines as to an acceptable job.

It takes approximately 6 months to establish a successful employment program. This period of time was arrived at experientially by this writer and another officer who started similar but independent programs. The size of the probation office has a great deal to do with the extent an office can be involved in employment placement. It is felt that an office with 10 line officers should have one full-time employment officer. Smaller offices would need to allot time for employment proportional to the number of line officers in their particular office.

Initially, a good relationship with a core of eight to ten companies having a work force of 250 or more should be cultivated. Once this relationship is firmly established, the employment officer should begin to branch out as time and quality of service permit. The employment officer will be pleasantly surprised to find many truly concerned professional people in the ranks of industry personnel departments.

Your reputation is your "carte blanche." Employer/personnel people have informal gatherings about new laws and problems in the field of personnel work, and it won't be long before the word is passed around as to the quality of your employment program—good or bad. Patience is needed in the work. Do not allow anxiety over the lack of placements to cloud your judgment and compromise your standards. This writer found that once a program was established a placement rate of approximately one per week was *excellent*. Several employment agencies were contacted, who revealed that one or two placements per week was considered a very good job in their industry. A general consensus of off-the-street job placement was very close to one per week, with a professional in the business for more than 10 years able to place two or three a week in a very good year. This is also predicated upon job skills.

In 1979, we were able to place 51 people, with an average starting salary of $5.75 per hour and a retention rate of better than 50 percent. The professional agencies felt this was an excellent record. Factors, such as the economic condition of the country as a whole, do have an impact upon job availability. In 1980, this economic factor reduced our placements to 34, with an average starting salary of $6.22 per hour and a better than 50 percent job retention rate. Employers located within the jurisdiction of our district consider 40 to 60 percent job retention the general rate.

Integrity, friendship, patience, professionalism, trust, placement, follow-through—these are the basis of a successful employment program. These qualities then become the continually revolving wheel which leads to successful human growth and reintegration.

THE MAIN reason for low employment rates among ex-offenders is not failure to find jobs but failure to keep them.

—MARK R. WIEDERANDERS, PH.D.

Alienation and Desire for Job Enrichment Among Correction Officers*

BY HANS TOCH, PH.D., AND JOHN KLOFAS**

IT HAS BEEN the misfortune of correction officers that they fit neatly into all sorts of theoretical schemes, with the result that the portraits of guards that are handed down from teacher to student have none of the flesh-and-blood complexity ascribed to members of other occupations. Officers are presumed stressed by "role conflict," are assumed to subserve "custodial goals" in rehabilitative contexts or to belong to a reactionary "subculture." If the C.O. is humane, he is adjudged as "compromising power" via "corruption" to get along with inmates. Moreover, because most officers are white and nonurban, while prison inmates are disproportionately nonwhite and urban, C.O.'s are ascribed "culture conflict."[1] Such schemes gain credence from the fact that recent strikes and high levels of turnover attest to widespread C.O. discontent, a finding that is compatible with conflict-centered perspectives. To borrow from Gilbert and Sullivan, it can be adduced that "when correctional duty's to be done, the C.O.'s lot is not a 'appy one."

But if the C.O.'s role "is not a happy one," neither is that of most postindustrial workers. Recent surveys have consistently described trends toward worker alienation, particularly among younger and better-educated blue collar workers.[2] Such trends have been largely attributed to discrepancies between worker aspirations and job (or management) attributes. In the words of one survey team who reviewed the dramatic downtrend in positive work-related attitudes:

> esteem-related items . . . are those that employees rate most critically. The decreases in favorable attitudes regarding equity, respect, companies' responsiveness to employees' problems, and advancement opportunities most clearly parallel the overall drops in ratings of job satisfaction . . . . the esteem-related items seem to account for the recent downturn in overall job satisfaction, while extrinsic items, such as satisfaction with pay, do not.[3]

There is consensus on the growing desire of most workers for jobs that are personally involving and that yield opportunities for learning and development; for work situations that provide a feeling of accomplishment and a sense of self-esteem; for assignments that offer responsibility, independence and opportunities for participation. The absence of such attributes is said to characterize "impoverished" jobs, and the concern is with designing tasks that are less impoverished. This movement is that of "job enrichment."[4]

White collar workers are less alienated than blue collar workers, but this fact does not help the officers. In surveys, professionals are classified as white collar and service workers as blue collar. However, it is not clear whether C.O.'s don't fall between the cracks of the professional (white collar) nonprofessional (blue collar) dichotomy. If officers are human service professionals, they are candidates for theories that expect such workers to become "burned out." A burnout sequence presupposes that the workers enter their careers full of idealism and of concern for clients, but that, after trials and failures, they end up feeling cynical and indifferent to human suffering. Burned out workers are said to move from low alienation to high alienation, and from high desire for job enrichment to none.

But where, on this spectrum, falls the C.O.? Does he (and increasingly, she) find himself/herself torn apart by custody-treatment conflict? Is the C.O.

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[1] G. Hawkins (THE PRISON: POLICY AND PRACTICE, 1976, 81-107) suggests that the portraits of officers in the literature "are no less stereotypes than the earlier conceptions of guards as merely brutal, sadistic illiterates indulging in capricious cruelty." For representative generalizations, see D. Cressey, Contradictory Directives in Complex Organizations: The Case of the Prison, 4 ADMINISTRATIVE SCIENCE QUARTERLY 1 (1959); O. Grusky, Role Conflict in Organization: A Study of Prison Camp Officials, 3 ADMINISTRATIVE SCIENCE QUARTERLY 452 (1959); M. Zald, Power Balance and Staff Conflict in Correctional Institutions, 6 ADMINISTRATIVE SCIENCE QUARTERLY 22 (1962), and D. Duffee, The Correction Officer Subculture and Organizational Change, 11 J. RESEARCH CRIME & DELINQUENCY 155 (1974).

[2] Cooper, Morgan, Foley and Kaplan, Changing Employee Values: Deepening Discontent? 57 HARVARD BUSINESS REVIEW 117 (1979); Department of Health, Education, and Welfare, WORK IN AMERICA (1973); H. Sheppard and N. Herrick, WHERE HAVE ALL THE ROBOTS GONE? (1972).

[3] Id. Cooper and Kaplan, at 134.

[4] Job Enrichment has been defined as the redesign of job tasks to include "a greater work content; require a higher level of knowledge and skill; give the worker more autonomy and responsibility for planning, directing and controlling his own performance; and provide the opportunity for personal and meaningful work experience." F. Luthans and R. Reed, Critical Factors in Job Enrichment, 24 ATLANTA ECONOMIC REVIEW 7 (1974). For a rundown of job enrichment theory and research, see J. R. Hackman and G. Oldham, WORK REDESIGN (1980).

subject to a burnout sequence? Is the C.O. concerned about job impoverishment, or ripe for enrichment? Is the C.O. tuned to QWL ("Quality of Work Life") concerns and eager for participation in correctional organizations?

Such questions are of theoretical and practical import. Theoretical issues relate to whether C.O.'s respond to generic forces that bear on American workers, or to specific pressures associated with corrections or human service work. Practical issues have to do with the officer's readiness for change, and with the sort of strategies that are appropriate in bringing change about.

The Illinois Officer Survey

This article presents survey data that address such issues. Before we turn to this research, a C.O. survey by Jacobs bearing on similar questions must be mentioned. This survey was conducted in 1974-75 in Illinois, and included 929 respondents.[5] Most (90%) of the Illinois officers described themselves as "very happy" or "somewhat happy," and six out of ten saw their work as "quite interesting." The Illinois report concludes that "prison guards seem no more discontent than fellow workers in other occupations." They also seemed no more content: Jacobs notes that guards are concerned about how the public sees them, about danger and about superior officers. A substantial number of officers (four out of ten) felt that "in general, lieutenants are more sympathetic to the problems of inmates than to the problems of correctional officers"; the same proportion disagreed with the statement "when a problem arises between an officer and an inmate, the Warden and other administrators usually support the officer."

Jacobs notes that "the .. survey data . . . do not support stereotypical depictions of the guard as a stern—even brutal—disciplinarian." Half the Illinois guards saw rehabilitation as the purpose of imprisonment; six out of ten disagreed with "rehabilitation programs are a waste of time and money." White guards were *if anything* more rehabilitation-oriented than black guards; this fact is reviewed in detail by Jacobs and Kraft, who conclude that "there is nothing . . . to suggest that black guards treat inmates with greater respect or sensitivity. They do not hold more rehabilitative views. Nor have they aligned themselves with the inmates against the administration."[6]

The pro-rehabilitation stance of guards also appears as the key finding of a Texas guard poll. Teske and Williamson report that the Texas C.O. "tended to view himself . . . as being the most important person involved with the inmate in terms of the impact on the inmate, and he had a positive attitude toward treatment programs."[7] (As in Illinois, the Texas survey reports pro-rehabilitation attitudes becoming stronger with age.) A related finding emerges in the Federal system. Smith, who polled the officer force of FCI Draper to locate volunteers for an inmate behavior therapy program, found that *all* officers (bar none) expressed an interest in participating.[8]

The rehabilitation issue bears on the job enrichment issue, because the officer's role is most susceptible to enrichment in the treatment (human services) area. This fact is fundamental to our study. It does not impress Jacobs, however, despite the thrust of his survey. Jacobs writes:

> In the last decade or so the prison has witnessed a clear movement toward specialization, and activities such as counseling, education, and vocational training have been taken from the uniformed officer. This means that the correctional officer is specifically defined as a specialist in security and discipline. Training programs should recognize and build upon this fact by emphasizing the development of detached, efficient, and rational security skills. By following the example of the state police, it may be possible to instill an esprit de corps and a strong, positive self-image in a force of professional security specialists.[9]

The Eaststate CO Survey

Our survey was conducted in late 1980, as a prelude to a participatory job enrichment program for officers. The goals of the survey were (1) to ascertain whether C.O.'s demonstrate alienation of the sort described elsewhere for blue collar workers, (2) to explore C.O. interest in job enrichment, particularly in the inmate-rehabilitation area, and (3) to map modulators of (1) and (2). In line with our applied interests, the design and administration of the survey was participatory, and we asked questions (requesting officer estimates of peer responses), the responses to which would enlighten feedback of data.

(1) *Alienation:*

The first third of our questionnaire comprised 25 statements that were designed to gauge job-related alienation. Most of these items were inspired by three dimensions of Seeman's classic taxonomy

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[5] J. Jacobs, What Prison Guards Think: A Profile of the Illinois Force, 24 CRIME AND DELINQUENCY 185 (1978).

[6] J. Jacobs and L. Kraft, Integrating the Keepers: A Comparison of Black and White Guards in Illinois, 25 SOCIAL PROBLEMS 304 (1978) at 317.

[7] R. Teske and H. Williamson, Correctional Officers' Attitudes Toward Selected Treatment Programs, 6 CRIMINAL JUSTICE AND BEHAVIOR 64 (1979).

[8] Smith, Milan, Wood, and McKee, The Correctional Officer as a Behavioral Technician, 3 CRIMINAL JUSTICE AND BEHAVIOR 347 (1976).

[9] Jacobs, supra note 5, at 195.

(powerlessness, meaninglessness and self-estrangement).[10]

Powerlessness denotes a sense of impotence, or the feeling that one cannot affect systemic forces. De-escalated from society to the prison, powerlessness refers to items such as:

> No one ever asks a C.O. for suggestions related to his job;
>
> If it's an officer's word against an inmate, they'll believe the inmate; and
>
> We're damned if we do, and damned if we don't.

Meaningless summarizes the view that one does not know what is expected. It covers such items as:

> You don't know from one day to the next how the department expects you to act;
>
> The inmate rule book means nothing in prisons these days; and
>
> A C.O. is told what his job is only when he does something wrong.

Self-estrangement is (among other things) "the loss of intrinsic meaning or pride in work," or "an inability to find self-rewarding . . . activities."[11] This has to do with job impoverishment, or concerns such as:

> The only thing the C.O.'s job has going for it is job security;
>
> The C.O.'s job is a treadmill; and
>
> No matter how hard one tries, one feels no sense of accomplishment.

We included a fourth dimension, which describes bureaucratic indifference, a concern which emerges frequently in surveys of workers. The dimension refers to a feeling of not being appreciated or esteemed, a sense of being cavalierly treated, of being insufficiently supported—particularly by persons in authority. Relevant items included:

> Supervisors care more about the inmates than about the C.O.'s;
>
> If a C.O. does good work, he gets recognition; and
>
> Most sergeants and lieutenants are concerned about their C.O.'s morale.

(2) *Job Enrichment (Professional Orientation):*

The second set of 25 statements in the questionnaire dealt with inmate contact or rehabilitation-related activity. Most items in this section measured (1) interest in (or sympathy for) more-than-custodial work; and (2) preference for low (or high) social distance from inmates. The interest in high contact jobs was defined through items such as:

> The most satisfying jobs involve inmate contact;
>
> The C.O.'s only concern is with prison security;
>
> Counseling is a job for counselors, not correctional officers; and
>
> Sometimes a guard should be an advocate for an inmate.

Social distance items included such statements as:

> The best way to deal with inmates is to be firm and distant;
>
> A C.O. should work hard to earn trust from inmates;
>
> A good principle is not to get "close" to convicts; and
>
> A personal relationship with an inmate invites corruption.

There were also a few items (e.g., "there would be much less crime if prisons were more uncomfortable") that tapped a generic hard nosed or soft nosed stance in penological matters. Generically worded job enrichment items were included in pretest, but the paucity of nonenriched responses made such items useless.

(3) *Officer Opinion Estimates:*

In the third section of the questionnaire half of our 50 items were repeated, and the officers were asked to "guess how other officers in your institution will answer each question." The response choices were:

> Almost all agree ("over 80% of officers would agree with the statement")
>
> Most agree ("more than half but less than 80% would agree")
>
> Most disagree ("fewer than 80%")
>
> Almost all disagree ("80% or more")

The purpose of the exercise was to document for the officers' benefit the prevalence of pluralistic ignorance relating to interest in job enrichment (17 items) and to alienation (eight items). The point of having such data available, as we discuss them elsewhere, is to explode the myth which "suggests that the brave feel lonely because they *are* lonely . . . (which) implies that officers who admit that they want to help inmates and/or improve prisons must swim against the tide, that they must run an embarrassing gauntlet of irate fellow-guards who vociferously demand conformity to a cynical, dinosaur view of the world." If pluralistic ignorance emerges in a correction officer survey, it means that "the officer subculture becomes *imaginary*. In other words, the brave can afford to be braver than they suspect, because consensus on such premises as 'never talk to a con' or 'never rat to a sergeant' is *falsely* assumed, and no guard group really cares whether Officer Jones lets a depressed inmate show him pictures of his unfaithful wife, or runs a counselling group in the protective segregation galley."[12]

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[10] M. Seeman, On the Meaning of Alienation, 24 AMERICAN SOCIOLOGICAL REVIEW 781 (1959). Seeman's typology has been found useful in a recent study of officers by E. D. Poole and R. M. Regoli, Alienation in Prison: An Examination of the Work Relations of Prison Guards 19 CRIMINOLOGY 251 (1981).

[11] Seeman, supra note 10, at 790.

Development of the Survey Instrument

Our instrument evolved through several pretests, and employed the expertise of an Officer Advisory Group including two union representatives. The first pretest was conducted using 69 officer-candidates for positions in therapeutic communities. The second pretest group comprised 64 officers who had been appointed as inservice training officers in prisons. The second group was more representative than the first because it covered Eaststate geographically, but it was no more a random sample than the first pretest group. Results from our first survey were submitted to the Officer Advisory Group, who expanded the time pool for the second pretest. The data from each pretest cycle were subjected to item analysis. Responses on the alienation and job enrichment scales were analyzed separately. Items for which there was little variability in the responses or which did not discriminate between high and low scorers on each summated scale were rejected. Item to scale correlations on the retained variables ranged between .31 and .72. The product moment correlation between the final job enrichment scale and the alienation scale was zero (.09). Items in the estimate section were selected because officers' estimates on the pretest varied substantially from the distribution of their own responses on the items. The final questionnaire contained 25 alienation items, 25 job enrichment items, and 25 opinion estimate items as well as indicators of the respondents' demographic characteristics.

Administration of the Instrument

The final version of the instrument was administered to correctional officers in four maximum security prisons in Eaststate. The first (Backwood Prison) is located in a rural setting, and is one of few major sources of employment in the area. Smalltown Prison is located in a somewhat more populated area. Mid-City prison is located in a medium size city with a population of 35,000. Metro-access Prison lies on the perimeter of a large metropolitan area from which 78 percent of the surveyed officers commute to work. The racial composition of the respondents reflects the geographic distribution of the prisons. Almost all of the officers in three prisons are white. At Metro-access Prison, however, 68.8 percent of the officers are black and 15.6 percent are Hispanic. There are no systematic differences between the inmate populations of the four facilities.

At each institution the survey was jointly sponsored by local management and union representatives. Plans for the survey were announced dur-

TABLE 1. *Items Yielding Extreme (High Intensity) Alienation Responses (N = 834)*

Item:	*Response*			
	Strongly Agree	Agree	Disagree	Strongly Disagree
The average C.O. would change professions if he had a chance.	27.2	47.7	24.0	1.1
No one ever asks a C.O. for suggestions relating to his job.	25.3	46.0	27.2	1.4
You don't know from one day to the next how the department expects you to act.	29.4	40.6	27.8	2.2
A C.O. is told what his job is only when he does something wrong.	21.9	38.0	37.7	2.4
Most sergeants and lieutenants are concerned about their C.O.'s morale.	3.1	30.2	43.4	23.3
We're damned if we do, and damned if we don't.	26.6	49.7	21.5	2.2
No matter how hard one tries, one feels no sense of accomplishment.	23.4	43.9	30.1	2.4
If a C.O. does good work, he gets recognition.	1.3	23.1	54.4	22.1

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[12] H. Toch, *Liberating Prison Guards*, PROCEEDINGS OF THE 15th INTERAGENCY WORKSHOP, SAM HOUSTON STATE UNIVERSITY, 1980 at 29.

ing lineup, and survey forms were distributed to all available officers, to be returned to training staff or union representatives. In all, a total of 1739 survey forms were distributed and 832 completed questionnaires, or 47.8 percent were returned. Officers were given the option of signing their name to their questionnaire, and most (77%) of the officers provided their names.

Survey Results

Reliability of the instrument is satisfactory, in that 23 items out of each 25 item scale yielded item to scale correlations ranging from .38 to .67 for Alienation and from .26 to .54 for Job Enrichment. Cronbach's Alpha equalled .92 for the Alienation scale and .85 for the Job Enrichment scale. Correlations between the two scales ranged from −.09 at Metro-access to −.34 at Backwood Prison.

Overall, it seemed clear that correction officers are disaffected. Table 1 illustrates their discontent, and points up its magnitude. Out of each 10 officers, seven agree with statements such as "we're damned if we do, and damned if we don't." One out of four hold such alienated views strongly. Three out of four officers feel that the average correction officer would change jobs if he could.

Fortunately, some responses point to remediable conditions. One can remedy the fact that "no one ever asks a C.O. for suggestions"; one can induce sergeants to be "concerned about their C.O.'s morale"; one can foster a "sense of accomplishment" and assure officers some recognition.

Moreover, officers are not equally alienated. The average scores in our four prisons ranged from 10.1 (Metro-access) to 17.2 (Backwood). As a group, the more urbanized the officers, the higher their level of discontent (figure 1), a trend that replicates

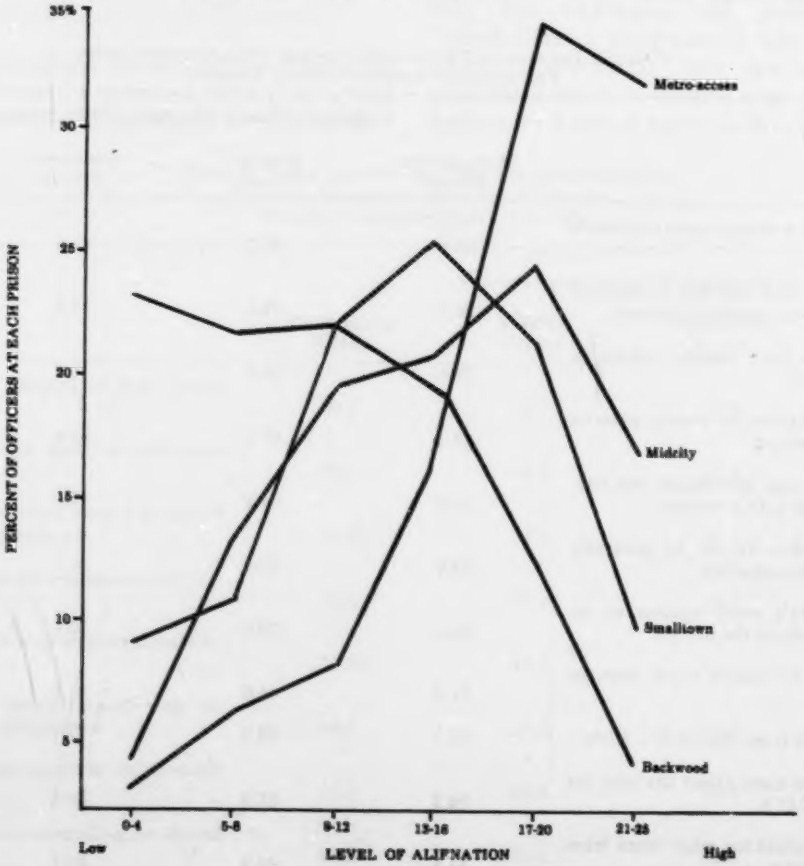

FIGURE 1

Distribution of Alienation Scores of Officers in Four Differently Located Prisons (N = 736) Showing Concentrations of Low-Alienation Officers in the Rural Prisons, and of High-Alienation Officers in the Urban Prison.

survey findings for blue collar workers in industry. The extent of differences one uncovers can be gleaned from table 2. Urban officers have strong feelings about bureaucratic indifference—the way officers are treated by supervisors. A majority of the men in Metro-access prison (as opposed to a minority at the Backwood facility), feel "officers are really treated worse than inmates" and "supervisors care more about the inmates than about the C.O.'s." Such statements reflect strong views.

Alienation among officers *also* varies with seniority—with time on the job. The relationship follows a "U" Curve; officers of 5 to 19 years of experience are more alienated than those with less than 5 years and with more than 20 years on the force. Only one out of four mid-range officers feels that supervisors are concerned about officer morale; four out of ten less experienced and more experienced share the sentiment. Half the C.O.'s in the mid-seniority range think they are "treated worse than inmates"; the statement is endorsed by one-third of the senior and junior groups.

The officers' job enrichment (human service orientation) scores followed a normal curve in each prison. On many items (table 3) there was moderately high liberal consensus throughout the system. A few other items show contrasting agreement around the need to be suspiciously cynical. Only 17 percent of officers, for example, disagree with the proposition that "you can't ever completely trust an inmate"; an equivalent proportion (20.4%) dissent from the view that "if an officer is lenient with inmates they will take advantage of him"; three out of four (77.3%) feel that a "good principle is not to get 'close' to convicts."

Responses in the four prisons did not vary greatly, but where differences exist (table 4), the rural prison (Backwood) yields the most enrichment-oriented and inmate-oriented responses; the most urban prison (Metro-access) shows more custody orientation. Some may be sur-

TABLE 2. *Responses of Correctional Officers to Select Alienation Items: Four Maximum Security Prisons in Eaststate*

	Percent of Officers Who *Agreed* With Statement at			
	Metro-access Prison	Midcity Prison	Smalltown Prison	Backwood Prison
To work as a C.O. means to have no chance of advancement.	55.8	39.7	42.5	23.7*
You don't know from one day to the next how the department expects you to act.	85.5	75.1	78.4	55.6
The inmate rule book means nothing in prisons these days.	76.6	52.0	42.8	30.1
A C.O. is told what his job is only when he does something wrong.	83.1	57.1	69.0	46.9
Most sergeants and lieutenants are concerned about their C.O.'s morale.	10.2	25.2	31.0	49.1
When a C.O. takes action, he generally gets backing from superiors.	35.6	57.0	55.7	79.8
If it's an officer's word against an inmate's, they'll believe the inmate.	54.4	29.6	30.4	18.7
Officers are really treated worse than inmates.	71.2	46.0	41.6	28.3
Most supervisors treat their C.O.'s fairly.	55.1	76.7	77.7	92.8
Supervisors care more about the inmates than about the C.O.'s.	64.2	32.8	36.2	18.2
Management expects too much work from correctional officers.	51.1	44.9	31.1	19.6
100% totals approximately	139	205	168	320

*Chi square significant beyond .001 level for all variables in this table.

TABLE 3. *Job Enrichment Items in Which Responses of Officers in Four Institutions Were Virtually Identical (N = 832)*

Item:	*Responses*	
	Agree	Disagree
The best way to deal with inmates is to be firm and distant.	41.5	58.5
The way you get respect from inmates is to take an interest in them.	61.0	39.0
Any infraction of the rules by an inmate should result in disciplinary action.	40.1	59.9
With some inmates, an officer becomes a substitute father.	59.1	40.9
Improving prisons for inmates makes prisons worse for officers.	40.9	59.1
Rehabilitation programs are a waste of time and money.	43.4	56.6
It's important for a C.O. to have compassion.	75.2	24.8

TABLE 5. *Level of Interest in Job Enrichment of Correction Officers, by Age of Officers.*

	Interest in Job Enrichment			
	LOW	MIDDLE	HIGH	
Under 25 (N = 28)	46.7%	43.3%	10.0%	100%
25-30 (136)	21.8%	64.6%	13.6%	100%
30-40 (261)	19.8%	58.2%	22.0%	100%
40-50 (156)	15.0%	55.6%	29.4%	100%
Over 50 (100)	17.3%	51.0%	31.7%	100%
Totals	142	409	163	

prised by this fact, given the assumption that rural guards are custodially oriented, and that urban minority officers tend to constitute a "new breed" of liberal C.O.'s. Equally surprising is the finding (table 5) that officers tend to mellow with age. Very young officers (who are underrepresented in our prisons) are custody oriented; human service orientation increases steadily (monotonically) with age. Similar results appear, less dramatically, with seniority. Of officers with less than 5 years on the job, for example, 46 percent feel that "rehabilitative programs should be left to mental health professionals"; the view is held by only 30 percent of the 5-10 year group, 28 percent of officers with 11 to 19 years on the job, and 25 percent

TABLE 4. *Differences Between Officers in Four Institutions in Their Responses to Select Job Enrichment (Custody Orientation) Items (N = c. 834)*

	Percent Agreement with Statement at			
Statement	Metro-access Prison	Midcity Prison	Smalltown Prison	Backwood Prison
The C.O.'s only concern is with prison security.	29.4	19.0	17.4	17.4*
A C.O. should work hard to earn trust from inmates.	32.8	49.0	50.6	53.5***
Rehabilitative programs should be left to mental health professionals.	43.4	34.5	30.6	25.9**
Counseling is a job for counselors, not correctional officers.	38.2	25.4	26.8	19.1***
A personal relationship with an inmate invites corruption.	73.0	57.1	71.3	65.1**
You must keep conversations with inmates short and businesslike.	59.4	45.3	50.6	40.8**
Sometimes a guard should be an advocate for an inmate.	38.5	50.3	56.4	59.0***
If a C.O. wants to do counseling, he should change jobs.	38.2	31.2	29.5	25.5*

Chi squares,
*** Difference significant beyond .001 level
** Difference significant beyond .01 level
* Difference significant beyond .05 level.

of those with 20 years of more experience. Similarly, 85 percent of the over-twenty seniority group feels that "it's important for a C.O. to have compassion." This proposition is endorsed by 66 percent of the officers with less than 5 years experience.

Table 6 displays the officers' responses and their estimates of other officers' responses at Smalltown prison. We see that the officers tend to overestimate their peers' alienation, and consistently assume that the majority is more custody oriented (less job enrichment oriented) than they are. The most dramatic finding relates to those officers (one out of five) who assume that C.O.'s agree *completely* on a cynical, custody-oriented stand—a stand that is rejected by the officers. Closer analysis reveals that the same officers *repeatedly* assume (over many different items) that there is imaginary consensus of fellow officers taking an alienated, custody oriented stand. The officers in question tend to be alienated, and they are very custody oriented themselves. They are also young and (relatively) inexperienced.

To be sure, there are also officers who are in tune with their peer climate. These are *invariably* professionally oriented, and they tend to be older and more experienced officers. Such men are professional, but aren't held back by imagined opposi-

TABLE 6. *Actual Officer Responses and Officer's Estimates of Officer Responses at Smalltown Prison (N = c. 168)*

	Actual Responses		Percent Officers Who Estimated That			
	Percent					
Statement	Agree	Disagree	Almost all will agree	Most will agree	Most will disagree	Almost all will disagree
I'm proud of being a correctional officer.	61.8%	38.2%	3.7%	31.9%	45.4%	19.0%
The inmate rule book means nothing in prison these days.	42.8	57.4	25.0	36.6	32.9	5.5
Officers are really treated worse than inmates.	41.6	58.4	19.5	42.1	33.5	4.5
Management expects too much work from correctional workers.	31.1	68.9	13.5	43.6	38.0	4.9
The C.O.'s only concern is with prison security.	17.4	82.6	14.7	38.0	40.5	6.7
The best way to deal with inmates is to be firm and distant.	36.7	63.3	19.6	49.7	28.8	1.8
Rehabilitative programs should be left to mental health professionals.	30.6	69.4	19.6	37.4	35.6	7.4
It's important for a C.O. to have compassion.	73.8	26.2	5.5	41.7	41.7	11.0
Any infraction of the rules by an inmate should result in disciplinary action.	34.5	65.5	19.3	44.1	32.3	4.3
Counseling is a job for counselors, not correctional officers.	26.8	73.2	21.7	34.8	32.8	10.6
Improving prisons for inmates makes prisons worse for officers.	40.4	59.6	28.0	34.8	32.3	5.0
Sometimes a guard should be an advocate for an inmate.	56.4	43.6	3.1	23.7	61.9	11.2
If a C.O. wants to do counseling, he should change jobs.	29.5	70.5	19.6	38.7	34.4	7.4
Rehabilitation programs are a waste of time and money.	43.7	56.3	36.2	42.9	17.8	3.1

tion. The term "liberated professionals" may describe them. In our sample, the largest type (30 percent of officers) fell into this category.

Discussion

One feature of our survey was the inclusion within the same instrument of measures of alienation and of desire for job enrichment. Many work design experts contend that alienated workers—particularly blue collar workers in urban areas—have little desire for job enrichment because they are excessively alienated, and that the combination (alienation and low internal work motivation) makes most of the urban workers poor candidates for job redesign programs. In our data set this assumption is questionable because there is *no* correlation between the two survey instruments among urban officers. These officers, as predicated, are highly alienated, but we find their job enrichment motivation *on the average* in the same range as that of other officers.

Our instrument measures work-related alienation, whose prevalence varies with degree of urbanization, a variable which often (as in Eaststate) is inseparably linked to ethnicity. It is thus clear that the majority of city-based officers, who are also minority officers, feel circumscribed, poorly supervised, unappreciated, arbitrarily managed and haphazardly informed, while white farm-based officers are relatively acceptant of organizational constraints, and therefore nonalienated. Without prejudging the legitimacy of *either* view, the difference has implications for the targetting of intervention efforts designed to dilute (or minimally, to "sell") conventional styles of management. Our own suggested approach would be to try to increase the vertical loading of the alienated worker's job through participatory involvement. This is a different conclusion from the one conventionally drawn by consultants, who are put off by the inhospitality of the alienated worker's stance.[13]

In making this recommendation, we do not imply that correction manager's job ends with the appeasement of his urban officers. Some of our data (table 1, in particular) suggest that officers *generally* feel autocratically managed, in the sense they do not feel that their contributions are solicited and they see themselves quickly condemned and rarely appreciated. It also appears that this malaise is slow to dawn and simmers for years, but that veteran officers (those who remain through retirement) become reconciled to their fate, or—as some younger officers assert) "give up because they don't give a damn." The sequence is slower and more reversible than the postulated "burnout" cycle of human service workers.

The urban-rural job enrichment need differences are undramatic, but the *direction* of the difference is important, because it supports the notion that black officers must be hired for reasons *other* than their presumed propensity to relate more closely to black inmates.[14] The content of the items displayed in table 4 is especially revealing, because *all* these items reveal a reluctance on the officers' part to reduce inmate-officer social distance.

The data call into equal question the premise that "old line" officers should be replaced with a liberal "new breed" who are inmate-oriented.[15] Mellowing with seniority is revealing because recruit training has increasingly emphasized human relations content over traditional custody-oriented curricula. The myth that "hardnosed older officers" will neutralize the liberality of "liberal young turks" with custodial war stories is clearly inapplicable; if anything, the influence should be a softening, tolerance-inducing and liberalizing one.

We have confirmed the conclusions of prior research suggesting that officers over time arrive at a comfortable definition of appropriate inmate-officer social distance and constructive levels of relatedness.[16] There is no evidence of "role conflict" among officers, of unendurable strain, cognitive dissonance or experienced pressure of conflicting goals. Nor is there evidence of "hack" definition of the officer's role in opposition to a "reintegrative" stance of his superiors. On the contrary, correction officers—with the exception of the very youngest officer—seem to favor role definitions that expand and enrich involvement with inmates.

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[13] Job enrichment research has examined the moderating effects of individual differences on the relationship between levels of enriched work and job satisfaction. A common finding has been that enrichment and satisfaction are positively related among rural factory workers but are negatively related among workers in urban plants. See A. Turner and P. Lawrence, INDUSTRIAL JOBS AND THE WORKER (1965); also C. Hulin and M. Blood, Job Enlargement, Individual Differences and Worker Responses, 69 PSYCHOLOGICAL BULLETIN 41 (1968). Based on such findings, Hulin concludes that "the argument for large jobs as a means of motivating workers, decreasing boredom and dissatisfaction and increasing attendance and productivity is valid only when applied to certain segments of the work force." (C. Hulin, Individual Differences and Job Enrichment—the Case Against General Treatments, in J. Maher, NEW PERSPECTIVES IN JOB ENRICHMENT (1971).)

Workers' interest in job enrichment is often seen as the key variable determining the outcome of job enrichment programs. (D. Cherington and L. England, The Desire for an Enriched Job as a Moderator of the Enrichment-Satisfaction Relationship, 25 ORGANIZATIONAL BEHAVIOR AND HUMAN PERFORMANCE 139 (1980). Also, J. Wanous, Who Wants Job Enrichment?, 41 S.A.M. ADVANCED MANAGEMENT JOURNAL 19 (1976).) Many authors have linked alienation of urban workers with reduced interest in job enrichment. Among others, Wanous (supra) argues that enrichment programs have lower chances of success and are less appropriate among urban blue collar workers. A different perspective is proposed in H. Toch, Alienation as a Vehicle for Change, 7 JOURNAL OF COMMUNITY PSYCHOLOGY 3 (1979). We suggest that the alienated may be the most plausible targets for change programs because they have strong change-relevant feelings and because they already play key roles in informal organizations that influence peers, which makes them "ideal change-disseminators."

[14] This is the conclusion reached by Jacobs and Kraft, supra note 6. In their survey, Jacobs and Kraft found no support for the popular belief that, by virtue of similarity of background, minority officers are concerned about treating inmates more humanely and relating to them more effectively than their white counterparts.

[15] Changing Structure of Mens' Prisons, in D. Greenberg (ed.) CORRECTIONS AND PUNISHMENT (1977).

[16] A great deal of evidence to this effect emerges in exhaustive interviews conducted by Lucien Lombardo, which are summarized in GUARDS IMPRISONED: CORRECTIONAL OFFICERS AT WORK (1981). Similar lines are drawn in Jacobs' survey, supra note 5, in which it was found that 70 percent of the officers agreed that "most inmates are decent people" but 80 percent also agreed that "inmates try to take advantage of officers whenever they can." In a study of Indiana prison guards it appeared that the officers "wanted to have personal associations (with inmates), but not personal enough to encourage friendships, mutual obligations, and/or reciprocity . . . . Personal expectations of the perceived prison guard's role would tend to enhance everyday harmony between guards and inmates. However, if carried to intimate associations, then these contacts might lead to the negation of certain guard duties, conflicts between guards and inmates and corruption of the guard role." P. Peretti and M. Hooker, Social Role Self-Perception of State Prison Guards, 3 CRIMINAL JUSTICE AND BEHAVIOR 187 (1976).

Although there is no evidence of a "hard nosed" officer subculture, the belief in such a culture is wrongly shared by many officers (table 6) and it is particularly subscribed to by officers who fit the stone age mold. Corrections officers talk volubly of "negative peer pressure," but the data suggest that "peers" exerting such "pressure" are few and wildly unrepresentative, and that their volubility is based on the intensity of their feelings, and that they are cheered on by a delusion of peer consensus. The existence of a reactionary minority *does* pose problems for job enrichment programs,[17] but such problems may not survive feedback of data such as those presented above.

Our work draws on job redesign literature and on research about correctional officers as an occupation. We have tampered with the job redesign model by translating alienation and job enrichment into correctional content; we have also tampered with the prison literature by translating correctional content into job design variables. The import of this sort of merger is that it (1) builds a bridge from industrial research to thinking about prisons, and (2) links prison-related concerns to more broadgauged social science concerns. In this connection our tentative conclusion is that urban officers stand in particular need of morale-boosting and "job expanding" interventions. At least one relevant force in the urban worker's force field is the cafeteria-like opportunities they (rightly or wrongly) perceive in their environment which gives them bargaining power. We suspect that workers are often relegated to the realm of the "unenrichable" because they are suspicious of—and resistant to—top-down change. Such a preclassification is risky because it invites further alienation and aggravates an obviously serious problem.

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[17] The impact of a vocal minority of workers was demonstrated in a simulation study (S. White and T. Mitchell, Job Enrichment Versus Social Cues: A Comparison and Competitive Test, 64 JOURNAL OF APPLIED PSYCHOLOGY 1, 1979) which showed that "griping" co-workers contributed significantly to perceptions of whether a clerical task was enriched or not.

BARS in Corrections

BY WILEY HAMBY AND J. E. BAKER*

THE SEARCH for a fair method of evaluating employee performance is age-old. In the East, the first known system is attributed to the Wei Dynasty of China in the 13th century A.D. Some 300 years later, in the 16th century, Ignatius of Loyola founded the Jesuit Order and developed a combination reporting and rating system which provided a comprehensive and accurate picture of each Jesuit's activities and potential. In some form or other, most organizations in both the public and private sector evaluate employee performance. Almost without exception the method used has been or is being modified. It is rare to find agreement on or satisfaction with whatever method is used, on the part of either the evaluator or the evaluatee at any level in the organizational hierarchy.

Too often employees perceive the performance evaluation system as some sort of a management game in which players are periodically told the score but given little or no information on either the rules or expectations of performance. As an illustration, imagine a golf course with no par ratings. At the same time, management personnel are frustrated by performance evaluation systems whose chief characteristics are subjectivity and lack of specificity. Too often the performance rating form is applied systemwide to evaluate practically everyone doing almost everything, making it impossible to evaluate the degree to which an individual employee meets the behaviors expected in a given job. Absent a par rating it is impossible to determine either the quality or quantity of performance.

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It is little wonder then that many employee performance evaluation systems become a perfunctory, painful ritual, viewed with cynicism as only a meaningless exercise productive of more paperwork to fill dust laden files.

While an employee performance evaluation system comprises several elements, e.g., performance standards, counseling employees about job related problems and planning for improved performance, the rating scale is regarded as being the heart of the system. The rating scale is the most visible element. It is an official document which the employee sees, handles, and on the basis of which decisions can be made to affect his/her pay and upward mobility. If the rating scale lacks credibility, the aforementioned frustrations and resulting cynicism can arise.

This article discusses the characteristics believed to be essential to measuring job performance, describes the method chosen by the Kentucky Department of Corrections to develop a rating scale incorporating those characteristics, and presents an illustration of the final product.

Performance Measurement Characteristics

Desirable characteristics of any measure of job performance include: relevancy, reliability, freedom from bias, and acceptability to management and employees.

Relevancy is the extent to which job performance measurements capture important components of the job; its validity or utility. Too often rating scales measure personality traits which have no relationship to job performance, e.g., *appearance* or *dependability*. While such traits may apply generally to every job, they do not apply uniquely to any job. There are two principal sources for relevancy. First is a thorough job analysis to establish and document what is actually done on the job. Second is managerial expectations. If the latter differs radically from the job analysis results, then either the job should be restructured or management should revamp its expectations of what constitutes successful job performance.

An example of irrelevancy: Requiring a supervisor to evaluate the automobile driving performance of a secretary when driving an automobile is not a component of the secretary's job. Obversely, however, appraising the driving performance of a bus driver would be relevant since driving is obviously a major requirement of the job.

Reliability is the stability or consistency of job performance measurements. Reliability largely derives from two factors: the structure and content of the rating scale, and the training provided to the supervisors who will be using it. Scales with either structure or content problems increase the probability of subjectivity, the mortal enemy of reliability. Trait ratings, for example, are high in subjectivity, posing significant problems of reliability. Training in performance monitoring and documentation is essential to assuring reliability.

In devising an equitable employee evaluation, efforts should be focused on the avoidance of possible sources of bias. This is of paramount importance in light of the increasing number of appeals, grievances, and lawsuits contesting the validity of the evaluation instruments. Common sources of bias include leniency error: a supervisor may give most or all employees very favorable evaluations, and halo error: a supervisor gives an employee a good evaluation in several areas, because the employee is particularly good in one area. Sensitivity training for raters can increase their awareness to these and other tendencies to bias.

Finally, and perhaps most importantly, performance measurement must be acceptable to both management and employees. Acceptability can be enhanced by including members of each group in development efforts. For instance, employee judgment and opinion is of particular importance in job analysis, followed by management review to insure that the results mesh with management expectations. Additionally, performance measurement must identify levels of employee performance to be meaningful to management.

The Kentucky Situation

Not content with the standard employee performance evaluation form then prescribed for use by state services for all job categories, the administration of the Kentucky Department of Corrections took steps to improve the situation.

A review of the roster revealed that approximately 75 percent of the personnel complement fell in three categories: correctional officers, classification-treatment officers (institution caseworkers), and probation and parole officers. Dissatisfaction with the evaluation form had been frequently expressed by employees and supervisors within all those categories. As in other correctional systems, the functions of those positions had been modified throughout the years, giving rise to questions not only of task responsibility but as well to performance criteria.

The National Institute of Corrections provided funds for the development of performance evaluation scales in the above-mentioned categories, and the first author was selected to undertake the project. The second author was the final management project director.

From the inception of the project the Kentucky administration set forth the requirement that the performance measurement characteristics described earlier be incorporated into the performance evaluation scales produced. Following discussion with administration representatives, the project director was authorized to proceed with the development of a behaviorally anchored rating scale (BARS) for the categories of correctional officer, classification and treatment officer, and probation and parole officer.

Behaviorally anchored rating scales (BARS) are a relatively recent development in performance evaluation. Smith and Kendall (1963) are generally credited with being the first to formally describe their development and use. BARS typically consist of two distinct components, i.e., a specific area of job performance, or job dimension, and a series of performance descriptions which are assigned values ranging from extremely poor to extremely good performance. Performance descriptions consist of examples of actual behavior that would be encountered on the job. One obvious benefit associated with behavioral examples is the high face validity for both the employee and the supervisor.

For instance, in a BARS developed by Hamby and DeLeo (1977) to assess firefighter job performance, the job dimension *Ability to Avoid Accidents and Spot Potentially Dangerous Situations* was identified. The lowest level of performance was described as follows:

Extremely Poor 1 performance	You could expect this firefighter to try to break a hose connection at a fire while it was still charged.

Campbell, Dunnette, Arvey and Hellervick (1973) found that behaviorally based scales produced less halo error and less leniency error than did the typical trait ratings. Similarly, Zedeck and Baker (1972) found moderate ($r = .45$) interrater reliability when behaviorally based scales were used. The scales offer a variety of nonpsychometric advantages, such as specifying requirements for successful job performance in clear behavioral terms during employee orientation, evaluating and discussing job performance in specific behavioral terms in the performance appraisal interview and clearly defining objectives for goal setting and training (Campbell et al., 1973; Fogli, Hulin and Blood, 1971).

While the methodology followed in developing Kentucky BARS paralled that reported by Smith and Kendall (1963), a job analysis in the form of a task-phased procedure was added to develop empirical support for the relevance of job dimensions.

The methodology adopted consisted of four steps, outlined as:

(1) Job Analysis
  (A) Review of the literature
  (B) Generation of job tasks and tentative job dimensions
  (C) Collection of applicability ratings
  (D) Development of task inventory
  (E) Analysis of task inventory data
(2) Determination of job dimensions
(3) Generation, recording and weighting of behavioral anchors
(4) Development of transportability components

Job Analysis

A review of court cases involving issues of employment selection, validation strategy, and job performance evaluation, clearly evidenced that the chances of a particular case surviving judicial scrutiny are enhanced when the evaluation instrument has a sound underpinning of job analysis.

(A) Review of the Literature:

Job analysis was commenced by reviewing existing available reports of such analyses on related correctional classes. This yielded initial listings of tasks, potential job dimensions, and general ideas about the nature of work performed in the classes under consideration.

(B) Generation of Job Tasks and Tentative Job Dimensions:

The literature review was followed by onsite audits, and interviews with incumbents of positions, thus expanding the listings of tasks and job dimensions. As a final precaution to insure coverage of the job, stratified samples of incumbents (subject matter experts—SME's) in each class were empaneled to list out tasks and potential job dimensions. These listings were edited to eliminate redundancies and ambiguities.

(C) Collection of Applicability Ratings:

A matrix of job tasks and job dimensions was then developed for each class. The SME's were asked to indicate the job dimension to which each task belonged. This provided a look at the relative allocation of tasks to job dimensions. Several job dimensions had very few tasks within them; other dimensions contained a large number of tasks.

(D) Development of the Task Inventory:

Task inventories were then constructed from the lists of tasks for each class. A representative sampling of incumbents within each was requested to give identifying data relating to: job setting, job title, number of years employed, and number of employees supervised, and to indicate the following with reference to each task:

(1) Whether or not the task was performed.

(2) The relative criticality of the task, on a 1-5 point scale.

(3) The relative amount of time spent on the task, on a 1-5 point scale.

(E) Analysis of Task Inventory Data

The task inventory data was analyzed primarily by Ward's Hierarchal Clustering procedure as described by Veldman (1967). The two primary factors tapped by the task inventory, i.e., time spent (1-5) and criticality (1-5) were multiplied together to obtain a composite index of importance for each task performed. The Ward's procedure treats each respondent's data as a group. The two respondents which are most similar are brought together to form one group. In a like manner the number of groups is systematically reduced to the smallest number of clusters, minimizing within-group variance and maximizing between-group variance at each level of the analysis. By observing the error created by adding increasingly dissimilar profiles, sudden increases in error can be isolated. The sudden increases in error serve as an indication that the grouping process should be stopped, eliminating the addition of additional subjects from the cluster. This procedure results in a grouping of tasks that were answered similarly in the inventory sampling. These task groupings should, in some manner, parallel the tentative job dimensions generated at the outset of the study.

Determination of Job Dimensions

The final determination of job dimensions reflected the consensus of management opinion and the results of the task analysis. To finalize the list of job dimensions, meetings were held with management personnel of the Kentucky Department of Corrections to review the results of the task analysis and to discuss how the findings supported or did not support the tentative job dimensions suggested by subject matter experts (SME's) at the outset of the study. The final job dimensions incorporated input from the task analysis data (reflecting how the jobs actually functioned) and managerial input (reflecting how the jobs should function).

Generation, Resorting and Weighting of Behavioral Anchors

After consensus was obtained on the final dimensions for each job, a series of meetings was held with SME's to generate and weight behavorial anchors for each job under study.

The sessions were conducted over a period of 3 days and involved three distinct processes. The procedure parallels that described by Smith and Kendall (1963) and elaborated upon by Campbell, Dunnette, Arvey, and Hellervick (1973). Respectively, the purposes of the sessions were: to generate behavioral anchors for each job dimension; to randomize and resort the behavioral anchors into appropriate job dimensions, and the weighting of behavioral anchors.

Each SME was provided with the job dimensions which had been determined for his/her class, and asked to write one behavioral example (anchor) of excellent performance, average performance, and poor performance of each. The resulting behavioral anchors were edited for clarity, proper grammar and transformed into statements of behavioral expectation.

Following the above, each SME was provided a copy of the numbered randomized listing of behavioral expectation statements and a numbered list of job dimensions and asked to indicate to which job dimension it was believed applicable. The rationale for the randomization and resorting process was to eliminate potentially ambiguous anchors.

Each SME was then asked to independently weight the behavioral anchors for each dimension on a 1-7 point scale. Final selection of anchors took into account the mean, mode, median and standard deviation of the assigned values. The aim was to include as anchors only those behavioral statements having greatest consistency in the assigned ratings. Where it was possible, behavioral anchors were chosen which had small standard deviations, mean values nearest a whole number, and similar modal and median values. All of these conditions, when present, indicate that the SME's were perceiving the value of a statement with some consistency. Consistency, as heretofore noted, is the essence of reliability.

Description of Scales

The BARS produced for the three classifications—correctional officer, classification and treatment officer, and probation and parole officer—are comprised of the following job dimensions:

Correctional Officers

(1) Writing Reports and Record Keeping
(2) Communication with Inmates
(3) Performing Administrative and Maintenance functions
(4) Directing Inmate Activities
(5) Following Security Procedures
(6) Enforcing Rules and Regulations

Classification and Treatment Officers

(1) Teaching Offenders
(2) Performing Security/Custodial Functions
(3) Preparation of Classification Reports
(4) Performing Administrative Duties
(5) Decisionmaking
(6) Interviewing Skills
(7) Counseling Skills
(8) Sponsorship and Supervision of Inmate Activities

Probation and Parole Officers

(1) Interviewing Skills
(2) Counseling Skills
(3) Enforcement of Conditions of Parole
(4) Decisionmaking
(5) Public Relations
(6) Communication
(7) Investigation
(8) Report Writing
(9) Participation in Training
(10) Administrative Duties
(11) Recordkeeping Ability
(12) Supervision of Probation and Parole Officers

To illustrate more concretely the nature of a BARS, one dimension, "Following Security Procedures," of the correctional officer BARS is shown below.

Following Security Procedures—Ability to follow procedures to insure security and control, for example, checking bars and windows for soundness, inventorying keys, phoning in to assign areas from tower or wall stands at required intervals.

Extremely good performance	7	This correctional officer could be expected to always check everything but not in a way where an inmate can pick upon his/her routine; always checking out any inconsistency immediately as well as informing other correctional officers as well as his/her supervisor.
Good performance	6	This correctional officer could be expected to walk around his assigned area with the relieving officer insuring everything is prepared for the oncoming shift.
Slightly good performance	5	This correctional officer could be expected to make a daily check on bars and windows and could be expected to make his/her schedule call in within plus or minus 5 minutes from the hour and half hour.
Neither poor nor good performance	4	This correctional officer could be expected to spend 5 or 10 minutes talking with his/her relief and then go home; this correctional officer could also be expected to make some required checks of cellhouses for security and maintenance.
Slightly poor performance	3	This correctional officer could be expected to check on some of the locks and assume that others are locked.
Poor performance	2	This correctional officer could be expected to assume that all keys are accounted for and that all doors are locked; this correctional officer could also be expected to not check a door or window, and not understand the importance of procedure, security or control.
Extremely poor performance	1	This correctional officer could be expected to fall asleep while attempting to follow security procedures, omit daily security checks and misplace keys, and sleep on wallstand and take an alarm clock for calling in.

Use of Kentucky BARS by Other Agencies

As Bellows (1961) suggests, the administrative uses of sound measures of job performance include the making of decisions regarding promotion, separation, placement, transfer and wage administration. Research uses include the evaluation of selection and training efforts, the measurement of morale, and of course, the measurement of job performance generally. Nothing would appear to preclude using BARS for any of these purposes.

The BARS developed for use in Kentucky system may be useful to measure job performance of similar jobs in other agencies (transportability). However, the authors caution against wholesale adoption without some empirical support to establish their relevancy. For those interested in investigating the use of the Kentucky BARS in their agency, the first author has developed a transportability procedure, available by contacting him at the U.S. Office of Personnel Management, 75 Spring St., S.W., Atlanta, Georgia 30303.

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Redesigning the Criminal Justice System: A Commentary on Selected Potential Strategies

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IT IS UNLIKELY that any general evaluative statement about the criminal justice system, or nonsystem as some observers style it,[1] would bring such widespread agreement as the proposition that the system is not functioning as smoothly, harmoniously, and effectively as might be desired.

The criminal justice system may be described as a loosely articulated operating network of input-output relationships among entities processing criminal justice matters (principally persons and information). It is comprised of a variety of units, performing different functions, and operating at different levels of government, directed toward a common general objective (processing criminal justice matters). It is a system in that a number of processes are linked together in the common task of seeking to accomplish overall system goals. Because these units are functionally interrelated, a change in one event or in one part of the system produces a change of greater or lesser magnitude in other segments of the system. Consequently, any comprehensive analysis must look at the entire system as a unit rather than concentrating on changes or reforms in only a single unit or subsystem.

Numerous observers have pointed out that various components of the system actually work at cross purpose to each other, and that an absence of effective coordination among them has dysfunctional consequences. It is further pointed out that the methods used by various subsystem units in carrying out their particular tasks have contraindicated effects in terms of system goals. For example, if the result of processing through the criminal justice system is to maximize opportunity to reenter the community without again becoming a system input, those aspects of the experience which work against the potential for reentry with minimal discontinuity are effectively thwarting an avowed overall goal of the system. Many components of the system, such as the prison experience, are said to function in a manner which has effects totally opposite of those envisioned, i.e., prisons as progenitors of crime and recidivism rather than reducing the likelihood of future criminal conduct.

If there is any lesson to be learned from efforts at reform of the criminal justice system it is probably that of humility as to the ultimate effect of any system change. *Today's far-reaching and enlightened change, or so the history of corrections efforts demonstrates, may easily become the problematic potpourri against which tomorrow's enlightenment will be directed.* A second lesson which might be well taken is that of the limits of any particular reformative alteration of technique, method, or philosophy as being able to turn the corner for the system, and change all of the system's dysfunctional consequences into consequences that are harmoniously integrated with some singular overarching objective. Furthermore, the multifaceted nature and complexity of the system and the disparate variables which factor into the behavior which brings one into contact with processing mechanisms of the criminal justice system augurs against overly optimistic assumptions of alteration in a single aspect of the unit without corresponding modifications throughout the system, or against single track or monocausal remedies.[2]

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[1] Ernest Van Den Haag, "Crime or Punishment?," *National Review*, XXXI (March 2, 1979), 289; President's Commission on Law Enforcement and Administration of Justice, *The Task Force Report: Science and Technology* (Washington, D.C.: Government Printing Office, 1967), p. 53.

This statement does not undertake any comprehensive reorganization of the criminal justice system; rather, the objective is to suggest and highlight some selected strategies which appear to be worthy of consideration in contemplating the task of system reorganization.

I. Criminal Law

The criminal law determines what behavior, by omission or commission, is regarded as a crime. It also specifies the punishment for such transgression. Violations of criminal statutes, in contrast to civil violations which are regarded as offenses against the individual and for which redress or remedy must be sought by a private or civil action, are regarded as crimes against the state, and are prosecuted under state auspices

Criminal law, in essence, is determined by what kind of people hold what values (which they feel may be effectuated through legal proscriptions) at what point in time. Criminal law, then, is relative to time and place. Since criminal behavior, by definition, is a violation of a legislatively enacted and formulated rule (or a judicially formulated rule supposedly within the framework of constitutional or statutory intent), it follows in rather straightforward fashion that *one of the most visible and apparent methods of reducing crime would be to reduce the scope of the behavior which is defined as criminal.*

Many observers have commented on the detrimental consequences of "criminal overreach." Most commentaries on overreach of the criminal law emphasize the inefficacy or inappropriateness of criminalizing various kinds of moral prohibitions and/or of processing persons who are thereby brought into the criminal justice ambit by traditional means. Examples include laws regarding consensual sex acts, crimes wthout victims, or substance ingestation laws (such as drugs or laetrile) on the one hand to use of the criminal process for handling items which are civil rather than criminal in nature (such as enforcement of support payments), on the other.

Morris and Hawkins, for instance, starting from the perspective that the prime function of the criminal law should be to protect the citizen's person and property, feel that use of the criminal law to coerce men toward virtue by regulating the private moral conduct of the citizenry is expensive, ineffective, and criminogenic.[3] Morris and Hawkins contend that the criminal law is an inefficient instrument for imposing the good life on others. When the criminal law invades the spheres of private morality and social welfare, it exceeds its proper limits at the cost of neglecting its primary task. A more proper, modest, and realistic role of the criminal law, and revision accordingly, is requisite to clear the ground of action of criminal law and enable the police, courts, and correctional agencies to "deal only with those problems and those people for whom their services and their capacities are appropriate; not those who are merely being sacrificed to prejudice and taboos."[4]

Overreach of the criminal law is said to compound the crime problem in the following ways:

(1) The criminal law operates as a "crime tariff" which makes the supply of such goods as narcotics and gambling profitable for criminal organization and activity.

(2) Criminal prohibition and law enforcement produce a secondary criminogenic effect by fostering crime in order to pay the higher prices as well as by fostering development of profitable large-scale organized criminal activity.

> . . . the drug laws have a greater effect than Prohibition in encouraging crime. It was no accident that Prohibition was the age of the great gangsters, and a time of "primitive capital accumulation" for the big crime families. By the same token, it is no accident that, under the aegis of our drug laws, our cities have become the stalking-grounds for the users of drugs who must pay ridiculously exorbitant prices

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[2] An example would be a belief that stricter statutory penalties would solve the crime problem. Furthermore, if police efficiency in clearing crimes by arrest miraculously improved, if felons are returned to the streets by the courts or the corrections system, or if they are processed through the corrections systems with a likelihood of recidivism, the "crime problem" has not been solved. If political gesturing could effectively control crime, the crime problem would have been mitigated some time ago.

[3] Norval Morris and Gordon Hawkins, *The Honest Politician's Guide to Crime Control* (Chicago: Univ. of Chicago Press, 1970), pp. 2-28. Cf.: Ed Clark, *A New Beginning* (East Hobart, N.J.: Caroline House, 1980), pp. 100-111.

[4] Morris and Hawkins, pp. 2, 3.

> to support their habits. The time is coming when we will have to choose between imposing our norms for intoxicants on a large portion of the population, and having cities we can live in.[5]

(3) Proscription of some forms of behavior, such as homosexuality, or drug addiction, encourages development of an extensive criminal subculture and/or endows forbidden and frequently pathological conditions with a romantic glamour of a rebellion against authority or of some sort of elitist enterprise.

(4) Diversion and overextension of resources to enforce statutes regulating private morality siphons resources away from concentrating on crime against persons and/or property and encourages serious crime by failing to deal with it adequately.

(5) Criminalization of "crimes" without victims invites bribery and corruption among enforcers and is conducive to employment of extra-legal and arbitrary methods of enforcement.

There is little doubt but that any plan to deal with crime in America must face the problem of utilization of the criminal law as symbolic expressions of moral ferver, ecclesiastical glory, and political virtue by invoking criminal sanctions in matters of personal morality and victimless crime. There is a tendency for the criminal law to grow incrementally and to assume an inchoate status as the product of historical accidents. Laws dealing with gambling, sexual behavior, drug laws, pornography laws, are among those frequently identified as appropriate for a judicious application of an effort at reassessment and restatement of the nature of legislatively desired priorities in regard to invoking of criminal sanctions.

Establishment of a legislative standing committee on law revision, charged with the task of continuing assessment of the suitability of the criminal law, would be a desirable step. Among the advantages would be the increased likelihood of awareness of need for consolidation, codification, and constant critical observation of the whole body of criminal law.[6] Removal of the deadwood from the criminal law jungle would appear to be a significant step in the long-range objective of reform and rationalization of the criminal law.

Not only would a reassessment of the immoral or antisocial conduct which possibly should be removed from the criminal law appear to be a desirable objective, but simultaneous reassessment of the whole body of criminal law would provide an opportunity for the legislature to address a number of corollary evils. The appropriateness of evaluating and, where applicable, statutorily circumscribing or making explicit legislative intent in the exercise of discretion throughout the criminal justice system—from police discretion to pretrial procedure, sentencing, and various postconviction dispositions—would provide opportunity to specifically assess an area which has been the subject of considerable concern in recent years.[7]

The need for careful legislative drafting is a paramount one. Legislatures do have the option of preventing some problematic discretionary situations from arising by careful drafting, i.e., by avoiding overlapping statutes which give rise to serious constitutional and policy issues through prohibition of the same conduct by dual statutes with differential penalties.[8] Furthermore, when attempting changes in criminal justice processing, legislatures would be well advised to formulate rules in accordance with legislative commands in order to prevent other units of the criminal justice system from formulating their own rules which may not fully express legislative intent.[9]

II. Detection and Apprehension

Suggestions for improving police functions abound, ranging from changes in organization structure to personnel.[10] There is a considerable array of modern technology which can be utilized by the policeman on the beat (such as mobile communications devices which can be carried by the officer as part of his standard equipment to information storage and retrieval systems which permit maximum strategic deployment of manpower). Strategies which promote police-community harmony and congruency of interests clearly merit encouragement, including such developments as storefront dropin programs to communicate with residents of specific neighborhoods, establishment of neighborhood watch and prevention programs under police department encouragement and sponsorship, school liason programs, utilization of trained unpaid auxilliary personnel (such as reserve officer programs), training for handling special situations (such as conflict management training to aid in control of domestic disturbances and training to prevent police provoked incidents generally), and, where appropriate, handling of certain categories of offenses through techniques which provide diversion from the criminal justice system.[11]

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[5] Clark, p. 106.

[6] Morris and Hawkins, p. 27.

[7] See Daniel B. Kennedy, *The Dysfunctional Alliance: Emotion and Reason in Justice Administration* (Cincinnati: Anderson Publishing Co., 1977), or Burton Atkins and Mark Pogrebin, *The Invisible Justice System: Discretion & the Law* (Cincinnati: Anderson Publishing Co., 1978).

[8] Martin H. Tish, "Duplicative Statutes, Prosecutorial Discretion, and The Illinois Violence Statute," *Journal of Criminal Law and Criminology*, 71 (Fall 1980), 221-225.

[9] K. F. Bay, "Juvenile Justice Concepts in California: Changing Concepts," *American Journal of Criminal Law*, 7 (July 1979), 189. Bay calls attention to legislative efforts (in reaction to the failure of the "father model" of court efforts to deal with delinquents) to provide community protection from juvenile criminal recidivism by treating certain juvenile criminals with the solemnity applied to adults commiting similar crimes having been circumvented by court adaptations which do not adequately express legislative intent.

[10] Frequently these are incorporated in the notion of police professionalism, a concept which is often employed with contradictory implications. See Stephen E. Brown, "Conceptualizing Police Professionalism," *Southern Journal of Criminal Justice*, V (Fall 1980), 6-17.

Most of the above techniques are in general use. Several less widely used strategies which could be more widely employed include the resident deputy program, career criminal programs, and special detection units. *Resident deputy programs*, which involve designation of officers living in or near their community of assignment to extend tours of duty in specified geographical areas, appear to produce favorable attitudes and perceptions in target communities.[12] The *career criminal programs* concept involves concentrating prosecutorial resources on repeat offenders with serious records with an intent to achieve increased convictions.[13]

Future research needs to be recognized as an important aspect of criminal justice planning. It has been observed that while there is a fund of knowledge on "how we can control, audit, and monitor people . . . we have only the most elementary knowledge of how to audit computers and those who have learned to use them . . .. Existing control methodology is not adequate for internal control, or for investigation by investigatory agencies, or regulation by regulatory agencies."[14] Certain types of crimes which require extended investigation and specialization are most feasibly handled by special units, sometimes housed within the prosecutor's or attorney general's office. Anticipation of the future trends and forms of crime should aid in preventing crisis reaction as opposed to proactive readiness, including specialized detection units where indicated. Increased concern with consumer protection, and the development of specific consumer fraud legislation and offices, are desirable components of protection of the public against fraud and theft. While people robbing banks might be handled through regular police channels, the issue of banks robbing people needs the development of detection and enforcement units devoted to consideration of white collar crime. It has been suggested that business cheating is nothing less than enormous, in comparison with which street crime may be "small potatoes."[15] Future research in criminal justice needs to be concerned with projecting change in order to appropriately adapt to change.[16]

III. Improving Efficiency of Courts

Improved detection and apprehension would be of little ultimate value without corresponding improvement in capacity and performance of courts. James has recommended several developments: streamlining of creaking court systems for a hodgepodge of independent courts with varying overlapping jurisdiction to a modern administrative system under supervision of the state supreme court; replacement of justice of the peace courts with courts with judicially trained presiding officers for criminal matters and establishment of small-claims courts and/or a system of arbitration for minor civil matters; establishment of an office of court administrator; use of modern word processing techniques and business procedures to minimize waste of time of jurors and witnesses; eliminate the old "term" system and hold court continuously as needed; diversion into other dispositionary proceedings where appropriate; restriction on the use of local courts as revenue gathering systems; and significant tightening of continuances.[17]

One of the more seminal analyses in recent years of the functioning of courts as legal entities has been provided by Macklin Fleming,[18] who feels that multiple trials of the same case, multiple review of the same issues, judicial procrastination, technical delay, sidetracking of inquiry into collateral issues, expansion of Federal power over state criminal procedure, and willingness to depart from legislative proscription have functioned to atrophy the ability of the judicial process to balance the scales of justice. Fleming stresses the need for appellate judges to acquire trial judge experience, congressional correction of lower Federal court duplication of state court functions, and replacement of absolute oligarchy with term oligarchy for Federal Supreme Court judges by limiting them to terms of 16 years.

IV. Prisons and Victims

A prison sentence is the most basic and fundamental of criminal law sanctions. For all the rhetoric of "treatment" and "correction," rehabilitation is largely an illusion. Nevertheless the notion of the propriety of imprisonment remains standard. Imprisonment neither protects society nor rehabilitates criminals, with consequences that the convict who does time is likely to become the object of another police hunt after he hits the streets. Colson has spoken in terms of "the steady gradual erosion of a man's soul, like radiation slowly burning away tissue,"[19] which can be a far greater punishment of nonviolent offenders than their crimes warrant. Furthermore, the prison experience itself often results in victimization by violent people within the institution[20] and promotes habits and attitudes which are considerably more detrimental to the convicts and society than they had before being placed in prison.

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[11] Robert Trojanowicz and S. L. Dixon, *Criminal Justice and the Community* (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1974).

[12] F. Knapp, *et al.*, "The Effects of a Resident Deputy Program on Attitudes and Perceived Law Enforcement Services," *Southern Journal of Criminal Justice*, V (Fall 1980), 48-61.

[13] Peter W. Greenwood, "Career Criminal Prosecution: Potential Objectives," *Journal of Criminal Law and Criminology*, 71 (Summer 1980).

[14] B. James McGregor, *White Collar Crimes: Defense and Prosecution* (New York: PLI, 1971), pp. 20-21.

[15] A. C. Germann, et al., *Introduction to Law Enforcement and Criminal Justice* (Springfield: C. J. Thomas, 1973), p. 387.

[16] Gene Stephens, "Why Study the Future of Criminal Justice?," *Southern Journal of Criminal Justice*, V (Fall 1980), 74-86. Cf.: H. Sepler, "The Next Twenty-Five Years Facing the Criminal Justice System," *American Journal of Criminal Law*, 7 (March 1979), 147-166.

[17] B. James, *Crisis in the Court* (New York: McKay, 1968).

[18] *The Price of Perfect Justice: The Adverse Consequences of Current Legal Doctrine on the American Courtroom* (New York: Basic Books, 1974).

Various diversionary models have been generated by the belief that control of crime and delinquency is improved by handling offenders outside the traditional imprisonment system where possible.[21] Alternative methods of dealing with status offenders,[22] and developments such as halfway houses, work release, and shift of emphasis to community programs, are illustrative steps which have been taken to promote reintegration into the community with maximum opportunity to avoid recidivism, and, at the same time, give expression to values which reflect humanitarian goals.

The criminal justice system is almost totally oriented toward the criminal. Procedural law is designed to protect rights of the accused. The criminal justice process, ostensibly, is designed to aid, treat, correct the criminal. In this sense, it is the needs of the criminal himself which is the focus of attention. Although it is impossible to separate the interests of the criminal and the interests of society in that society benefits from whatever system that minimizes the likelihood of future criminal acts, there is a deficiency injustice when criminals, who inflict pain and degradation upon individuals and families, are allowed to "pay their debt to society" without restitution to the individuals who have been injured.[23]

Mikva has called attention to the understandable chagrin of citizens who observe the guilty released for what appears to be trivial reasons unrelated to factual guilt (as failure of the police to say the right words when making an arrest) or when criminals are given probation and are returned to the street in assembly line justice which paroles persons to commit more crimes. Public frustration can lead to episodic draconian punishment. The malaise is compounded because "the malfunctioning prison system hardens prisoners and thus compounds rather than corrects the problems."[24] Mikva suggests that a suitable method for mediating between system insensitivity to victims and their families and the frequently counterproductive effects of prisonization would be provision of some sort of "restitution or compensation. . . to make the victim whole again. Compensation for loss of life may be impossible, but that impossibility should not absolve the transgressor from any responsibility whatsoever for the damage he has caused." Mikva feels that "instead of sending a criminal to jail and ignoring him and the victim, we should seriously consider. . . programs which will allow the offender to earn enough money to recompense the victim."[25]

Although several states have established some kind of victim compensation program, restitution is not frequently employed by American courts. Nevertheless, the point seems well taken that *criminal proceedings need to be applied in the interest of the individual victim as well as society as a whole.* While the logistical and structural problems do present difficulties, and restitution to victims is certainly not a total answer to the failures of the correctional system, or of the discrepancy between the treatment aims and inability to rehabilitate, restitution doubtless should receive greater correctional significance.[26]

V. *Utilization of Research*

Rational policy probably has been handicapped by lack of systematic reliable information about the workings of various components of the criminal justice system so that its basic patterns, component elements, differential outcomes, and real outcomes can be effectively chartered. Information for legislative guidance probably has been largely intuitive, haphazard, and improvisatory. Consequently, it is not surprising that the criminal justice system should largely develop in haphazard fashion, or that various buzz words which come in vogue, i.e., community-based innovative treatment, etc., can become semantic trivia for traditional programs in new buildings. Furthermore, a procedure which becomes established develops its own self-serving constituency irrespective of its effectiveness, and becomes a status-quo vested interest which is difficult to reliably measure and evaluate without objective evaluative data.

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[19] Charles Colson, *Born Again* (Washington: Chosen Books, 1976), p. 284.

[20] For example, fear, intimidation, extortion, abuse, and degradation appear to be a common infliction upon those who are not saved from fellow prisoners by their size and strength. Russel Kirk, "Criminal Character and Mercy," *Modern Age*, 24 (Fall, 1980), 338-344. Homosexual rape appears to be an event which only the tougher and more hardened are able to escape. Alex Thio, *Deviant Behavior* (Dallas: Houghton Mifflin, 1978), pp. 135-137. Federal District Court Judge Frank M. Johnson, responding to criticisms of a 1976 judicial holding that Alabama State prisons were unfit for human habitation, observed that elimination of physical and mental indignities such as gang rapes, with prison officials stating there was nothing they could do, would not be creating a hotel setting. Quoted in *U.S. News and World Report* (March 1, 1976), 66, cited in Roger F. Campbell, *Justice Through Restitution* (Milford, Michigan: Mott Media, 1977), p. 17.

[21] R. M. Carter, "The Diversion of Offenders," in P. Cromwell and J. Schryver, *Jails and Justice* (Springfield: Charles C. Thomas, 1975), p. 56.

[22] Frank A. Orlando, "Status Offenses: The Court's Role," *Resolution* (Of Conflicts in Corrections), 1 (Winter 1975), 24-27.

[23] George T. Felkenes, *The Criminal Justice System: Its Functions and Personnel* (Englewood Cliffs: Prentice-Hall, 1973).

[24] Abner J. Mikva, "Victimless Justice," *Journal of Criminal Law and Criminology*, 71 (Fall 1980), 190.

[25] *Ibid.*

[26] J. Polish, "Rehabilitation of Victims," in J. Schultz and J. Thomas (eds.), *Criminal Justice Systems Review* (Buffalo, N.Y., 1974), pp. 276-329. Cf.: Michael R. McAdam, "Emerging Issue: An Analysis of Victim Compensation in America," *Urban Lawyer*, 7 (Spring 1976), 346-366. For discussion of the restitution rationale and illustrative programs, see Campbell, *op. cit.*

There is a need for more reliable planning and legislative policy input beyond a hodgepodge of unfounded assumptions, ignorance, fear, apathy, vested interest, and inertia. Research and evaluation must be recognized as fundamental elements of management at each level in the criminal justice system.[27] Systems analysis research which will provide critical data for decisionmaking, prediction research, evaluation research as to which correctional measures are most feasible for certain categories of offenders, crime analysis research to aid in the deployment and allocation of personnel, are illustrative areas in which research data is needed. Morris and Hawkins, commenting on the need for criminal justice system research, observe:

> . . . our ignorance seriously impedes effective social control. It may also impede acceptance of more humane and more effective treatment methods. The common assumption is that deterrence and reform represent some sort of natural antinomy. Whether they conflict in fact will be known only when we better understand our capacity to influence human behavior by threats and by retraining programs and when we understand the proper limits and roles of each. We are in the prehistory of such studies.[28]

Summary and Conclusions

It has been suggested that perhaps in no other area of human services has the contrast between aspiration and reality been so great as in the area of criminal justice. The criminal justice system is a loosely organized interrelationship of units which deal with criminal justice matters. It is suggested that a major step to desirable reform and alteration is a careful assessment of what the criminal law philosophically should and realistically can be expected to accomplish. Criminal law overreach, particularly into the area of private morality, would appear to have a number of dysfunctional consequences. Improving the efficiency of the courts, both in terms of administrative practice and the legal parameters of the judicial enterprise, are necessary to any comprehensive design for overall improvement of the criminal justice system.

It is further suggested that rediscovery of and practical implementation of the rights of and concern for victims provides a desirable philosophical base for development of approaches which strike a balance in mediating the important issues of justice, punishment, deterrence, and treatment. Victim restitution, while not a system cure-all, is probably more desirable than "paying a debt to society" through imprisonment. Reliable evaluative and planning data are requisite for effective management at all levels in the criminal justice system.

WHEN a Federal judge sentences a criminal offender to the custody of the Attorney General for a term of imprisonment, two things are nearly certain. The offender will not be guarded by the Attorney General, and custody will not last for the stated term. The language of the judgment is the language of fiction. Its majestic phrases will, nevertheless, trigger a series of bureaucratic responses that are distinctly nonfictional — responses that will determine the character of the offender's imprisonment experience and the timing of release from custody.

—ANTHONY PARTRIDGE

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[27] R. J. Waldron, et. al., *The Criminal Justice System: An Introduction* (Dallas: Houghton Mifflin, 1980), pp. 392, ff.

[28] *The Honest Politician's Guide to Crime Control*, p. 281.

Strategies for Maintaining Social Service Programs in Jails

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CORRECTIONS today is embroiled in a dilemma. Court decisions that order improved inmate care occur within the context of an economy wracked with stagflation. Many communities simply do not have the funds to implement the mandated jail reforms. Either the courts (recognizing the economic reality) will back off and become less activistic; or counties will be forced to redefine their budget priorities. Judges have been handing down tougher sentences as a response to increased public frustration and anger over crime. But with more people incarcerated, the inadequacy of our penal institutions becomes all the more blatant, and the potential for riots increases. The public's punitive mood, coupled with economic decline and the Reagan budget cuts, result in a reduction of community social service programs. The thrust for jail reform can become sidetracked as an ideal that is too expensive and unpopular; hence it is easily compromised.

The "just deserts" public sentiment that is now fashionable can be related to two other current social phenomena. The first trend is a move toward "gentrification." A number of writers (e.g., Besser, 1979, and Fleetwood, 1979) have observed the return of the white upper middle class from suburbia to the inner city, in what might be termed an urban renaissance. These high salaried professionals are moving back to the cities to be close to their work and to the cultural attractions that large cities offer. And this movement is facilitated by the energy crisis. While formerly run-down areas are being rehabilitated, a negative consequence is that the urban poor are being displaced, causing further social disruption. It is not at all clear whether this new urban elite will support the concept of community-based corrections, since few offenders are likely to come from their midst. With their affluence they may continue to favor the status quo model of the jail that incapacitates and isolates the troublesome.

The second trend concerns the paucity of community alternatives for offenders. In this regard the plight of offenders is similar to that of discharged mental patients. While Goffman (1961) documented how both types of total institutions (mental hospitals and prisons) were counterproductive to their therapeutic intent, the diversion of these inmates to community resources has had its problems as well. The problem with community-based alternatives is that most people support the idea in principle, but few want the services located in their neighborhoods. The public may be fearful and unaccepting of inmates, and their influx may lead to retaliatory actions on the part of private citizens. Thus Schull (1977) writes that "the protection an institution offers the community from the *deviant* and the protection it offers the deviant from the *community* are of equal importance" (p. 2). He also sees community ghettos for deviants as replacing the institutions as a means of social control. This experience of minimal resources and the private exploitation of marginal populations leads Rothman (1973) to conclude that the asylum may be rediscovered.

There are some very real obstacles to the continuation of reform. Nevertheless the progressive and reform advocate might want to consider using the following four strategies, which seem to be associated with the successful implementation of jail social service programs.

(1) *Use judicial decisions or the threat of class action suits to further improvements within the jail and the goal of community-based corrections.*—While judges may be reluctant to impose jail reform measures on financially beleaguered locales, the backlog of cases supporting this direction sets a precedent that may be difficult to modify. If the courts suddenly reverse themselves because of political and financial expediency, their credibility is open to question. The push that many states are making toward adopting uniform standards for county jails also reinforces this trend.

For the jail administrator who wishes to champion reform, court rulings and standards are easy external targets to blame for the changes that he/she favors. That is, it is these judges and state officials who are dictating that certain changes be made. In short, reform advocates can appeal to court rulings as a club that has status and power. And they can use this leverage to push community officials and influencial groups to adopt the change measures that they favor.

(2) *De-emphasize the notion of "rehabilitation" in promoting social service programs.*—The connotation of the term "rehabilitation" implies a sort of "cure" in which inmates remain crime-free by virtue of their exposure to treatment programs. It is usually measured by recidivism and, by the criteria, treatment services have been shown to be ineffective.[1] For social services to continue to accept responsibility for this expectation is to set itself up for failure and disrepute. It then becomes much easier to rationalize social service cutbacks as dispensable in these inflationary times.

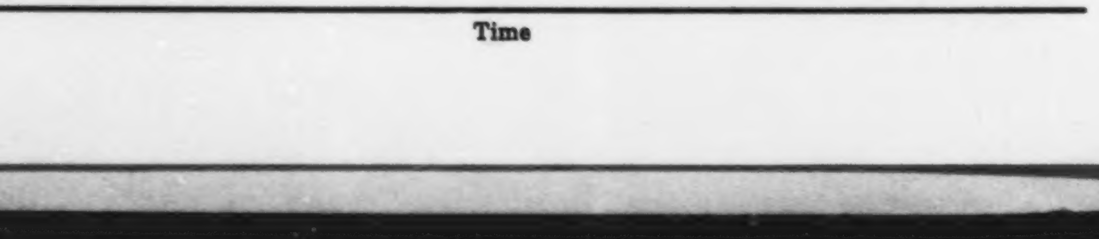
Whenever possible social services should be linked to practical concerns that the community can understand. These include the following: helping inmates to initially work through the transition to jail life, thereby minimizing psychological crises; keeping inmates occupied in a variety of activities so as to undercut the destructive effects of idle time and potential riots; allowing residents to work and to earn money, so that they can continue to provide for themselves and their families (thereby reducing the need for public assistance); providing educational experiences, vocational training, and job placement so that offenders upon release can better meet the normative demands of constructive citizenship; maintaining services that address specific problematic areas, such as alcohol and drug abuse; and linking offenders to needed community social services which they can utilize upon release.

All of these functions are therapeutic and all can be linked to rehabilitation, although the connection is tenuous and should not be made. Rather these services are important in their own right, apart from whether they lower the recidivism rate.

(3) *Emphasize the spiraling and exorbitant cost of incarceration relative to community-based alternatives.*—The public favors more extensive jail sentences but they are frequently unaware of the escalating operational costs. The same holds true of advocates of new jail and prison construction (at a cost of between $30,000 and $60,000 per cell). In dramatizing the financial waste resulting from inappropriate incarceration, one progressive sheriff used the example of what could be purchased for the offender in lieu of a 1-year jail term at Rikers Island (New York City).[2] He could see a psychoanalyst three times a week, enroll full time at Columbia, buy season tickets to all of New York's professional sports teams, take an annual cruise to Europe, live on Park Avenue—and still return $10,000 to the City. Most people believe that jails serve a protection function, but they might begin to advocate more selective use of jail if the cost factor was pointed out to them and if they could be reassured that it would continue to hold the minority of dangerous offenders.

The above three strategies make use of what Donald Schon (1971) calls "ideas in good currency." These are ideas that are powerful for action and for guiding public policy. A test of good currency is whether appealing to the idea helps in suring financial resources or public support. Examples are science and technology in the 1950's, poverty and civil rights in the mid-1960's, ecology in the early 1970's, and inflation today. One of the major characteristics of ideas in good currency is that they change over time in a process similar to fashion. As the diagram below shows, there is a period of slow emergence, of sudden growth, of ascendency, and a period of decline (or institutionalization), when the idea ceases to capture the public's attention.

In terms of this framework, the influence of court decisions and the recognition of resource scarcity are ideas in good currency that top correctional



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[1] The most devastating attack on correctional treatment services has been made by Martinson (1974) in his review of the research literature.

[2] Loeb (1978) reports that the 1976 direct costs and outside service costs amounted to $173 million, based on an average population of 6,600 inmates. This amounts to $26,212.12 a year per inmate, a figure that in 1981 is substantially higher as a result of inflation.

managers believe are growing.[3] This is indicated by the consistently mentioned trends toward accreditation and minimum standards, as well as cost effectiveness. What is troublesome from the perspective of social services is the reiteration of the more punitive approach to sentencing (the just deserts model) as an idea that has gained public support, coupled with the decline of rehabilitation and community-based corrections as ideas in good currency.

Given these current trends, jail reform advocates might strategize around linking social services with the growing ideas in good currency, while simultaneously avoiding their association with rehabilitation. Thus jail social services and diversionary community-based programs may be supported because of mandated standards and cost effectiveness. That most of these programs may be more humane, less destructive, and of some value to the offender are secondary benefits of choices that may be made for reasons of economics and compliance.

(4) *Develop a broad-based campaign of reaching out for external resources.*—Such strategizing would pursue a number of different avenues, all aimed at making the jail more publicly visible and reducing its isolation from the community. To do this, jail staff, especially at the higher managerial levels, will have to assume more boundary-spanning functions. Some of the areas they might wish to address are the following:

- Increase the support for jail services through public education—included here are speaking engagements at schools, religious organizations, and other community associations. In addition the media could be better utilized as a vehicle for dramatizing problems and reporting the jail's progressive activities.
- Involve the key actors in the local criminal justice system in planning for the jail—this is especially crucial, since so many decisions affecting jail operations and population flow are made by stakeholders who are outside of the jail boundary. These stakeholders include the police, the prosecutor, the public defender, judges, the chief probation officer, local governmental officials, and the criminal justice planner. They represent relatively autonomous components of a loose criminal justice system; and there is often a lack of awareness or appreciation of the functions that each performs. There is also a crying need to clarify and redefine relationships among these actors as they relate to the jail.
- Establish viable exchange relationships between the jail and formal community-based service organizations—the purpose is to increase the pool of available resources for offenders. Collaboration among agencies and more extensive sharing of resources has almost become mandatory, given budget cuts and the demise of LEAA. In seeking cooperative interactions with outside agencies, it becomes important for jail staff to be sensitive to ways in which it can enhance their missions and functions. In short the jail must appeal to the self-interest of these agencies, so that the benefits of the exchange outweigh their costs and liabilities.
- The jail should simultaneously tap into the wealth of other community resources—these would include employers, libraries, schools, religious organizations, and people who would serve as volunteers to the jail.
- Pursue additional funding sources at the various governmental levels—Federal, state, and local. Wherever possible, the jail should try to utilize the resources of city and county government (e.g., personnel, physical facilities and equipment).

These strategies are certainly no panacea for dealing with the historical difficulties of the jail, with overcoming 200 years of neglect, mission confusion, and public apathy. At best they attempt to build upon the gains that have been made within the past 10 to 15 years, while recognizing full well that this progress may be difficult to maintain in today's society.

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[3] These correctional executives were participants in the Wharton School's "Strategic Management in Corrections Program."

Promises and Realities of Jail Classification

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The Promise of Jail Classification

Jail and prison administrators have been urged by correctional standard setting organizations, prison reform groups, and more recently by the Federal courts to establish formal classification systems in their institutions. The American Correctional Association, Criminal Justice Foundation, and many state correctional agencies have issued specific standards to define the format and function of classification systems. In several lawsuits filed against overcrowded state correctional systems, the absence of formal and equitable classification systems has been implicated as one of the major causes of prison overcrowding (*Pugh* v. *Locke* [Alabama]; *Trigg* v. *Blanton*; *Nelson* v. *Collins* [Maryland]; *Ramos* v. *Lamm* [Colorado]). The National Institute of Corrections has invested considerable resources into the funding of classification research and policy development grants.

Classification, as it is applied to jail and prison inmates, has three main purposes: (1) management, (2) prediction, and (3) planning. From the management perspective, formal classification criteria are necessary to ensure that rational and equitable decisions are made by the staff at institutions. This philosophical approach represents a justice model of classification. Ideally, decisions pertaining to custody level, medical treatment, mental health care, and program participation should be based on standardized and precise criteria understood by staff and inmates. The justice model assumes that a formal classification process, clearly communicated to staff and inmates, will reduce tensions fueled by perceptions that decisions are unfair and unpredictable. Lines of authority and accountability will be clearly set forward.

Predictive classification models assume it is possible to predict inmate behavior by studying and analyzing the inmate's individual socioeconomic and psychological attributes. This approach, grounded in the positivist social science ideology, has been used to predict everything from disruptive inmate behavior to future criminal activity. Properly diagnosed inmates can be assigned to the most appropriate custody setting (e.g., those violent prone or escape prone would receive the most secure housing assignments). Institutions interested in the goal of rehabilitation could use predictive classification models to identify those inmates who need social services and would respond to such services.

Finally, classification can serve important planning and monitoring functions. Classification implies the need for a process of systematic data collection and analysis of the data to guide administrative decisions on future correctional policies. Centralization of data collection and analysis tasks makes it possible to evaluate trends in population flow, inmate characteristics, jail decisionmaking processes, and the impact of programmatic, administrative, and legal reforms on staff and inmate behavior. Systematic analyses of these data should allow jail administrators to rationally develop new correctional policies based on empirically derived needs.

Two recent examples of classification data being used for policy development occurred in the Federal Bureau of Prisons and the California Department of Corrections. Both correctional systems developed new classification systems that were partially based on a systematic statistical analysis of their inmate populations. Based upon these data and the recommendations of correctional staff, a "point" system was established to better "objectify" the classification process. Using this new point system, it was learned that correctional staff had historically placed inmates in custody settings higher than actually needed. California has since revised its projected plans for massive expansion of its current maximum security bedspace and is reallocating departmental resources towards expansion of less expensive minimum security bed institutions and community-based settings. This shift in correctional policy (e.g., toward less severe and costly classification decision practices) would not have been possible without some historical knowledge of past classification practice and inmate characteristics.

Philosophies of classification, whether they *improve management*, *predict* inmate behavior, or *plan* and *evaluate* correctional policies, can be reduced to the simple tasks of collecting and analyzing data for the broad purpose of deciding what to do with persons sent to jail. A classification system can be likened to the functions of the human brain. It collects, stores, and analyzes data and, in turn, triggers administrative actions which shape the conditions of confinement, punishment, and program participation. Without this "brain," prisons and jails will react haphazardly or against mandated standards, policies, and laws. A commitment to the continued monitoring of the classification system, especially as it relates to the goals and objectives of the institution, is necessary to insure that prisons and jails retail rationality in their daily decisionmaking.

Understanding the Process of Jail Classification

When the topic of classification research is raised, most people assume it is related to the development and verification of predictive classification models. However, in this article we will be limiting our discussion to the process of classification management models. While predictive models have their place, there is a paucity of research on the implementation and actual use of classification systems in jails.

Jail classification systems differ from prison classification systems only in relation to the institutions they serve. Jails are more limited in their facilities and the inmates' length of stay (frequently less than 60 days). Consequently, turnover of population is more rapid, meaning that the execution of classification decisions is both a rapid and constrained process. Jails do not have the luxury of 30-60 day diagnostic periods to conduct extensive medical, social, and psychological inventories. The limited nature of their physical structure, custody levels, and programmatic resources also means that decision criteria need not be overly complex. It makes little difference if a person needs vocational training in computer programming or intense psychiatric intervention if he will be released in 60 days.

We do know that every jail has a classification system of some type. Each day decisions are made by staff about where to transfer inmates, what programs they will be allowed to participate in, how inmates will be punished for disciplinary infractions, who will receive medical attention, and so on. The process may be extremely formal or may be carried out by inmates and staff making informal "gut" reactions. Decisions may involve the simple choice of placing an inmate in one of two available cells that look pretty much alike, or it may require a much more complex choice from a range of diverse housing, security, and program options.

Little attention has been directed toward an evaluation of those formal and informal processes which make up the classification system. Jail administrators seem to have little interest in understanding (1) the *criteria* by which their staff makes decisions, (2) the *consistency* of their decisions, and (3) the *impact* of their decisions on inmates, staff, and the community. If jails are the least understood component of the adult justice system, jail classification processes represent an even more mysterious and unstudied phenomenon.

> Although there have been many classification schemes and incredible amounts of data collected in the classification of offenders for the past 75 years, very little evaluation has been done. It seems that there are many "pet" classification systems and numerous typologies produced by academics, but no systematic evaluation (IIT, 1975: 254).

Evaluations of classification systems per se will not tell us how to improve jails. Correctional policy is and will continue to be shaped by the political and economic ideologies and values that dominate our society and the criminal justice system. However, evaluations can inform administrators if their jail is operating as intended, can identify its impact on staff and inmates, and can suggest more powerful means for replacing costly and ineffective correctional practices.

Having summarized the competing expectations of jail classification, what are the realities of classification as presently practiced? How are these decisions reached and what factors impede successful implementation? Findings are drawn from a recently completed study of jail classification in four jails (Boulder, Colorado; Kansas City, Missouri; New Orleans, Louisiana; Springfield, Massachusetts) (Jail Classification Evaluation, NCCD, 1981). The study represents a year long process study of how classification decisions are made using standardized qualitative and quantitative research methodologies. The study included descriptions of the classification systems in operation at the four jails and the criteria used by staff in making decisions. Findings presented below identify organizational and political factors that impede and distort the implementation of any classification system regardless of its sophistication and validity.

Realities of Jail Classification

Little has been accomplished in the implementation of formal jail classification systems despite their ascribed theoretical and pragmatic importance noted above. Most of the Nation's 4,000 plus jails continue to operate without a formal written policy to guide inmate handling and correctional procedures. Instead of a carefully reasoned and empirically derived process, classification decisions, more often than not, reflect the subjective biases of inadequately trained staff. Attempts to reform or formalize classification decisions are thwarted because (1) criteria are ambiguously stated, (2) the model or criteria are not properly communicated to staff and inmates, and (3) classification decisions are subverted by lack of space and services with the jail. Each of these organizational impediments to jail classification are discussed below using current findings from the comparative jail classification study. Also discussed are some of the unanticipated consequences of a haphazard classification system.

Ambiguously Defined Classification Criteria

Formal systems of inmate classification, when they exist at all, rarely have the intended result of ensuring more rational and equitable decisionmaking. These systems often become impractical because the formal criteria established to implement the classification systems are open to subjective interpretation by a wide range of jail staff and administrators who make the classification decisions. Further, the broad ranges of criteria used in the process may result in classification decisions that are at worst *illegal* and at best merely *unreliable*.

Criteria such as "medical needs," "male and female," and "juvenile vs. adult" and "black vs. white" are precise distinctions that require minimal specification. However, as noted later, even diagnosis of medical needs established by a thorough examination performed by competent medical staff becomes an important factor for classification decisions within an overcrowded facility. Thus, even when classification criteria definitions are relatively unambiguous, wide variations in decisionmaking can exist.

Most criteria, however, were found to be subjective and ambiguously stated. Frequently, these criteria reflected an adherence to medical or pathological models of criminal behavior. Inmates, by virtue of their presence in jail, were assumed to have some personality defects which led to their present incarceration. In this study, clinical diagnosis frequently was performed by staff without advanced degrees in the behavioral sciences and earning $10,000 to $16,000 per year. Clinical judgments, regardless of their validity, can result in inmates experiencing severely differential conditions of confinement. And, placing inmates in more secure custody settings that may deprive them of access for services based upon such a psychological profile as perceived by untrained staff may be an unlawful criterion.

In one jail, inmates were labeled as being "passive" or "aggressive." Inmates considered passive were housed in a tank while aggressive inmates were placed in single or double cells. Inadequate information collected at booking means that these initial decisions were predicated on behavior exhibited by inmates at booking. For example, staff indicated they had minimal data for such basic information such as number of prior escapes, FTA's, etc. The following are notes from field observations of the classification process at this jail illustrating the search for psychological factors.

> Staff asked, "What is his attitude like—is he aggressive?" "Does he have any known enemies?" Discussion is hampered because of no files or lack of information in the files.

And

> Caseworker in charge of the intake and reclassification floor gave the name, weight, race, charge of inmate when he was last in jail, and suggested a particular placement for each inmate. There was a little interchange between committee members, although this was primarily a discussion between the caseworker and the CS. Comments included "Let's make (section) 1-2 as passive as we can." "Put him in a section, he couldn't make it in a tank" as the inmate was "too slow" and "would get run over" by the more aggressive inmates assigned to tanks.

In another jail, inmates were booked into a maximum security intake module. If behavior was defined as "good," the inmate could move progressively from the maximum security area to medium security to minimum security, and finally work release. The criterion used for reclassifying the immate was the immate's behavior, as assessed by the line staff and subject to the staff's perceptions. Inmate personalities were evaluated at staffing "ceremonies."

> Areas discussed included (the inmate's) family background, early childhood, personal characteristics, service background, interpersonal relationships, past prison experiences and charges. The staff member related her analysis of these experiences of the inmate to his present behavior and self-concept of a "fighter," yet he is fearful. She felt he needs structure, a parental model and a role model. She felt he lacked understanding of cause and effect, and how others interpreted his actions.

The most extreme case of ambiguously stated criteria was located in one jail that used the "objective criteria" shown in Exhibit A. Not only were many of the categories difficult to define operationally, but the categories of (1) "true," (2) "more true than false," (3) "more false than true," and (4)

EXHIBIT A
JACKSON COUNTY'S CLASSIFICATION FORM

CLASSIFICATION

Inmate Name________________ Age________ DOB________
Admit Date________ Master No.________ Booking No.________
Ht.______ Wt.______ Race______ Bond______ Charge______

	True	More True Than False	More False Than True	Untrue	Don't Know
1. Juvenile/Protective Custody Ordered?					
2. Present Charge/Violent Crime?					
3. Prior History of Violent Crime?					
4. Release Program Risk?					
5. Drug or Alcohol History?					
6. Physically Small?					
7. Immature or Timid?					
8. Possible Signs of Emotional Difficulty?					
9. Severe Emotional Problems Requiring Referral?					
10. Communication Difficulties?					
11. Possible Mental Deficiency?					
12. Depressed/Despondent?					
13. Manipulative/Unreliable?					
14. Indifferent to Feelings of Others					
15. Easily Influenced/Intimidated?					
16. Likely to Dominate Others?					
17. Aggressively Prejudiced?					
18. May Respond Aggressively to Provocation?					
19. Impulsive?					
20. Unpredictable?					
21. Disrespectful/Likely to Require Close Supervision?					
22. Fraternizes/Seeks Personal Favors					
23. History of Discipline Problems?					
24. Escape Attempt?					
25. Withdrawn?					
26. Prior Incarceration?					
27. Refuses to Participate in Programs?					

"untrue" were equally imprecise. Formalization of unclear criteria is more likely to further the drama of classification rather than validate reliable decisionmaking.

Broadly defined classification schemes as illustrated in the above examples lead to considerable inconsistency. Table 1 illustrates this phenomenon. Variations in the rates of inmates assigned to various categories by individual members of the classification committee are considerable. For example, staff person A classified higher proportions of inmates as perceived as requiring special assignment for medical, psychiatric, and age related reasons compared to other staff classifiers. Conversely, staff person B classified a higher rate of inmates as "gang-affiliated." Unless staff, for some reason, systematically encounter unique populations in the course of their work, these data demonstrate that classification decisions are based not only on inmate characteristics but also on the characteristics of staff making these decisions.

Communication of the Classification System Model

Even the best classification system will fail if it is not communicated to jail staff who must implement it and inmates whom it affects. Lacking knowledge of the formal mechanics of the system, staff are likely to revert to informal methods which counteract the administrative goals of classification. Inmates need to be informed of the mechanics of requesting cell transfers, program participation, and the rules governing the institution in which they are housed. Inadequate understanding of the classification procedures is likely to increase tensions within the jail. Violence may be the eventual outcome of a poorly communicated classification system.

In the three jails where the staff and inmate surveys were administered, most staff knew of the existence of a formal classification system (table 2), but only 62.4 percent knew the rules specifying how inmates should request transfers. Far fewer inmates had knowledge of the classification system (58.7%), and even fewer knew the rules specifying how to request a transfer (38.5%). Very few inmates claim they were told the results of classification decisions while a vast majority felt that they should have been told. They were less likely than staff to agree with the statements that cell and program assignments were fair. It is clear from table 2 that both staff and inmates lack knowledge of the classification system and that inmates desire such knowledge.

Table 3 shows wide differences between staff and inmate knowledge of how to request transfers to another cell. Staff and inmates are operating under entirely different systems within the same jail. The wide diversity of responses leads to the conclusion that it is not clear to either staff or in-

TABLE 1
VARIATION IN CLASSIFICATION DECISIONS BY SUPERVISING STAFF

CLASSIFICATION CATEGORIES	PERCENT CLASSIFIED BY INDIVIDUAL SUPERVISING STAFF					
	TOTAL	PERSON #A	PERSON #B	PERSON #C	PERSON #D	PERSON #E
MEDICAL NEEDS	(88) 14.7	17.9%	9.3%	8.3%	13.4%	11.5%
PSYCHIATRIC NEEDS	(54) 7.9	13.4%	1.9%	6.3%	8.4%	4.9%
AGED	(32) 4.6	8.5%	1.9%	2.1%	6.7%	0.8%
YOUNG APPEARANCE	(254) 37.9	40.2%	38.0%	32.3%	37.8%	38.5%
SEX OFFENDER	(30) 5.1	2.2%	6.5%	7.3%	6.7%	2.5%
ESCAPE RISK	(33) 5.9	4.0%	4.6%	8.3%	6.7%	2.5%
GANG AFFILIATION	(80) 14.5	5.4%	23.1%	18.8%	12.6%	8.2%
KNOWN INFORMER	(15) 2.2	5.4%	0.9%	0.0%	0.8%	0.8%
VIOLENT BEHAVIOR	(120) 17.8	19.2%	14.8%	19.8%	16.8%	18.0%
INMATE REARRESTS	(105) 15.5	9.8%	3.7%	37.5%	14.3%	21.3%
NUMBER OF CASES	(811)	(282)	(113)	(135)	(148)	(133)

Percents are based on the percentage of all inmates classified within a specific category.

TABLE 2
SELECTED RESPONSES TO STAFF AND INMATE QUESTIONNAIRE ADMINISTERED AT THREE JAILS*

QUESTION:	PERCENT WHO ANSWER "YES"	
	STAFF	INMATES
KNOW IF CLASSIFICATION SYSTEM EXISTS AT JAIL	94.0%	58.7%
KNOW RULES TO REQUEST INMATE TRANSFER	62.4%	38.5%
INMATES ARE TOLD OF CLASSIFICATION DECISION	55.3%	27.7%
INMATES SHOULD BE TOLD OF CLASSIFICATION DECISION	69.6%	81.0%
KNOW HOW INMATES REQUEST TRANSFERS	92.8%	85.1%
STAFF NEVER EXPLAIN WHY MORE REQUESTS DENIED	11.7%	60.9%
STAFF NEVER EXPLAIN WHY PROGRAM REQUEST DENIED	6.5%	60.9%
PRESENT AGREE: CELL ASSIGNMENTS FAIR	82.1%	67.1%
PROGRAM ASSIGNMENTS FAIR	87.1%	62.7%
INMATES HAVE NO SAY WHAT GOES ON IN JAIL	21.1%	62.2%
THERE IS TENSION IN THIS JAIL ALL THE TIME	14.1%	47.6%

*Number of cases varies from question to question. 543 inmates and 269 staff were surveyed.

Source: Inmate and staff surveys

TABLE 3

STAFF AND INMATE PERCEPTIONS OF WHO MAKES CLASSIFICATION DECISIONS

RESPONSE	STAFF	INMATES
DON'T KNOW	19.0%	80.9%
CLASSIFICATION COMMITTEE	36.1%	0.7%
CLASSIFICATION OFFICER	3.7%	0.2%
CLASSIFICATION BOARD	–	0.4%
CLASSIFICATION CASEWORKER	1.5%	1.1%
CORRECTIONS OFFICERS	3.0%	0.2%
LIEUTENANT	1.5%	0.4%
FLOOR SUPERVISOR/WATCH COMMANDER	8.9%	0.4%
OFFICER AT FRONT GATE	1.1%	0.9%
OTHER GUARDS	1.9%	1.8%
CAPTAIN OR WARDEN	1.9%	0.2%
SHIFT ADMINISTRATOR	1.9%	–
STAFF CASEWORKER	11.5%	6.2%
INTAKE SCREENER	3.7%	0.2%
JUDGE	–	3.3%
POLICE	0.4%	2.0%
DOCTOR	–	0.7%
SOCIAL WORKER	–	0.2%
NUMBER OF CASES	269	544

Source: Inmate and Staff Surveys

mates how the formal procedure for requesting cell transfers works.

Both inmates and staff need to know who is responsible for making formal classification decisions. Frustrations are likely to increase if inmates are kept unaware of the authority for making decisions that affect so many aspects of their daily life. Yet 80.9 percent of the inmates surveyed did not know who made classification decisions. The diversity of responses for the remaining 19.1% reveal a general lack of knowledge of written classification procedures. Staff also reported a wide range of responses, indicating either a general lack of knowledge of the classification system or a wide dispersal of authority among staff for making classification decisions. In either case, formal classification in decisionmaking did not exist due to a lack of any specifically known body that could be held accountable for classification decisions.

In such instances we observed informal interactions among inmates and staff controlling the classification decisionmaking process. Staff and inmates labeled as "credible" and having access to those with authority to classify, engaged in bartering ceremonies to secure the most desirable housing, work, and program assignments. In one jail, those inmates and staff with frequent access to classification officers had the greatest influence in having their views heard and in influencing decisions. As in all decisionmaking ceremonies, the "facts of the case" will be shaped by access to authority and the credibility of those presenting data.

Consequences of Overcrowding on Jail Classification

When jails become overcrowded, classification policies are discarded and decisions are shaped by the conditions of overcrowding. This situation is known as "capacity driven" classification decisionmaking. Housing, program participation, and disciplinary actions are determined not upon the formal "objective" criteria written as policy, but upon what available cell space exists to house inmates. Clements (1980) points out that although classification has been shown as an effective tool for reducing prison overcrowding, it is the problem of overcrowding that often paralyzes rational decisionmaking.

When an institution becomes overcrowded, classification criteria become distorted to meet the needs of the overcrowded facility and not the needs of the prisoner. Inmates who could qualify for minimum security, if space existed, are told they do not qualify because excessively strict custody criteria were established due to limited placements available. Instead of constructing additional minimum security beds, officials may perpetuate the vicious circle of "molding" classification decisions to inadequate physical structures. However, it is the inmate and not the facility who is characterized as "inadequate."

> But the "space available" approach has even broader implications. It means that we mold prisoners to the system rather than trying to modify the system to accurately reflect the realities of inmate needs and requirements. If services, programs, and facilities aren't available, there is strong pressure to *not* classify people as needing them. This approach results not only in poor programming for the individual, but also in a costly failure to collect and analyze valuable information for purposes of long-range planning. (Clements, 1980: 5)

Each of the four jails evaluated had written policies and procedures to guide the handling of inmates. However, each of the four jails also complained of being either chronically overcrowded or overcrowded for substantial periods of the year. When these jails are overcrowded, their written policies become inoperative and even the most elementary forms of differential handling become impossible.

One example of this phenomenon can be observed in one jail that was chronically overcrowded (12 percent average daily population above rated capacity). This facility, by current jail practices, has an excellent medical screening and care unit. However, as illustrated in table 4, even with such resources, proper classification of inmates with special medical and psychiatric needs is not always achieved. The table lists the special medical and psychological needs of inmates as listed by staff and compares the percentage of these cases that actually received special classification at booking. Although the rates of proper classification differ for the different types of inmate needs (from 34.7 percent to 85.9 percent), the consistent pattern is only partial compliance with emergency inmate needs. For example, of the 138 cases where the inmate was diagnosed as needing immediate medical attention within 24 hours, only 48 cases were specially assigned to a medical unit or to a unit where intensive supervision was possible. Unless resources exist to differentially classify inmates, proper diagnosis will be of little value.

TABLE 4

COMPARISONS OF SPECIAL INMATE NEEDS AND RATES OF SPECIAL ASSIGNMENT DECISIONS

SPECIAL IMMATE NEEDS	IDENTIFICATION*	SPECIAL ASSIGNMENT**
NEEDS IMMEDIATE MEDICAL ATTENTION WITHIN 24 HOURS	(138) 100%	(48) 34.7%
NEEDS IMMEDIATE PSYCHIATRIC ATTENTION	(35) 100%	(18) 51.4%
HISTORY OF MENTAL HEALTH PROBLEMS	(121) 100%	(104) 85.9%
HISTORY OF MENTAL HEALTH HOSPITALIZATION	(83) 100%	(69) 83.1%
PHYSICALLY DISABLED	(21) 100%	(17) 80.9%

* Represents number of inmates identified as exhibiting the special inmate need.

** Represents number of inmates actually assigned to a special housing setting.

Interview and field observations of classification decisionmaking validated the quantitative data. Discussion on inmate needs was ultimately reduced to the basic question of inmate placement.

> We could use a point system here to classify people. But the problem is that we have no housing options. It's all maximum security and we're always overcrowded. (Field Notes)
>
> Overcrowding of the facility is a problem for classification. Maximum capacity of the jail is 105 inmates, but the effects of overcrowding are felt when the population exceeds 80. At this point, inmate movement slows down dramatically. Classification decisions then become based on the bed space available. Inmates are often pushed through the system to allow for new inmates coming in. (Field Notes)

Unanticipated Consequences

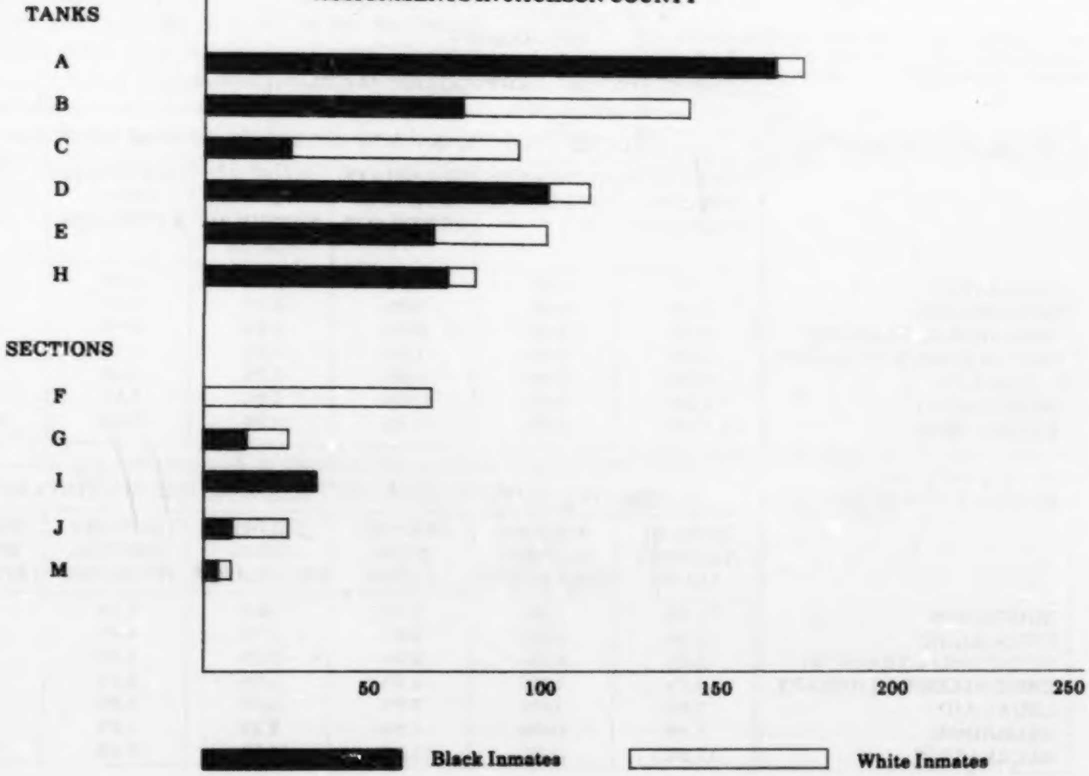
The three organizational impediments to successful classification systems often combine in such a manner that not only are the goals of classification not achieved, but a variety of unanticipated and unwarranted results occur.

As stated earlier, the "passive-aggressive" criteria for classifying inmates were used at one of the jails. These ambiguously stated criteria were used to screen inmates for housing assignments. Jail staff made the assumption that misdemeanants had to be less aggressive than felons, since felony charges are more serious and include assaultive offenses. A strategy was developed to separate felons and misdemeanants. However, since felons so outnumber misdemeanants (2,348 felons versus 162 misdemeanants) and bed space is limited because of severe overcrowding, the felons were housed in the less secure but larger tanks while misdemeanants were housed in single cells. Consequently, felons were placed in the least restrictive settings within the jail despite the fact that the charges against them were far more serious.

A far more serious consequence of disfunctional classification systems is their need to justify racial segregation within an institution. Two of the jails in this study classified inmates according to race. Exhibit B demonstrates the nature and extent of racial segregation at one of the jails. Examples of

EXHIBIT B

RACIAL DISTRIBUTIONS OF INITIAL ASSIGNMENTS IN JACKSON COUNTY



segregation are apparent both within and among different types of housing structures. Tanks A, D, and H are primarily black, tank C is primarily white, tanks B and E are more integrated. Sections F and I are completely segregated.

Staff acknowledged this practice was not desirable but felt there were no alternatives. Most inmates were said to have voluntarily requested placement in white or black dominated sections. Requests for segregation were viewed by staff as reflection of cultural differences among the inmates coupled with the physical nature of the cells: In large 48-person tanks or 4-person sections, achieving racial homogeneity in cell assignments makes administrative tasks easier. One clear example is television. Where only one television is available to multiperson cells and television is the primary recreational outlet, conflicts and controversies may easily develop over the seemingly insignificant questions of what program to watch. A frequent controversy in institutions concerns inmate disagreements relative to watching shows such as *Soul Train* or *American Bandstand* which often are aired simultaneously. When multicell units are housed according to race, such disagreements are minimized. This example simply illustrates how racial segregation within insecure and inadequate jail facilities is used as an administrative tool to ease management problems. When racism is a problem within the larger society, it becomes intensified within total institutions such as jails and prisons.

A primary assumption of treatment-based classification models is that inmates with obvious treatment needs receive appropriate services. Many inmates enter jails with well-established health and emotional needs. The test of a successful treatment model hinges largely on the ability of jails to provide these inmates with appropriate services. If this does not occur, for whatever reasons, classification will fail in reaching its goals of modifying inmate behavior.

The classification process was not successful in matching needs to services. Table 5 tabulates program participation with the needs of inmates as determined by classification at intake. There is little relationship between inmates' needs and the programs they participate in. None of the inmates under the influence of alcohol or drugs at intake received alcohol or drug therapy. Only 2.2 percent of the inmates with a history of alcohol abuse, and 1.5 percent of those with a history of alcohol treat-

TABLE 5

INITIAL SCREENING AND PROGRAM PARTICIPATION

PROGRAM PARTICIPATION	INMATES FOUND TO HAVE THE FOLLOWING NEEDS AT INTAKE					
	IMMEDIATE HEALTH PROBLEM	UNDER THE INFLUENCE	IMMEDIATE MEDICAL ATTENTION	MEDICAL ATTENTION WITHIN 24 HOURS	IMMEDIATE PSYCH. ATTENTION	UNDER DOCTOR'S CARE
EDUCATION	2.5%	0.0%	3.6%	2.1%	0.0%	2.6%
COUNSELING	2.0%	0.0%	0.6%	3.1%	8.5%	2.6%
VOCATIONAL TRAINING	0.4%	0.0%	0.0%	1.6%	0.0%	1.6%
DRUG-ALCOHOL THERAPY	0.8%	0.0%	1.8%	1.0%	2.1%	0.5%
LEGAL AID	5.3%	3.6%	4.8%	5.7%	6.4%	5.2%
RELIGIOUS	1.6%	0.0%	0.6%	2.6%	2.1%	1.0%
RECREATION	9.3%	3.6%	11.4%	10.9%	8.5%	10.4%

PROGRAM PARTICIPATION	INMATES FOUND TO HAVE THE FOLLOWING NEEDS AT INTAKE					
	HISTORY ALCOHOL ABUSE	HISTORY ALCOHOL TREATMENT	HISTORY DRUG ABUSE	HISTORY DRUG TREATMENT	HISTORY MENTAL PROBLEMS	HISTORY MENTAL TREATMENT
EDUCATION	1.1%	1.5%	2.3%	1.0%	3.1%	0.9%
COUNSELING	3.4%	1.5%	2.3%	2.9%	4.4%	1.7%
VOCATIONAL TRAINING	2.8%	3.1%	2.3%	2.9%	1.9%	1.7%
DRUG-ALCOHOL THERAPY	2.2%	1.5%	1.1%	1.0%	0.6%	0.9%
LEGAL AID	2.8%	1.5%	3.8%	6.9%	3.8%	3.5%
RELIGIOUS	1.1%	0.0%	1.1%	2.0%	1.9%	1.7%
RECREATION	11.2%	7.7%	12.6%	15.6%	12.5%	13.0%

ment received alcohol or drug therapy. The highest percentage of inmates receiving counseling were those with a history of mental problems (4.4%) and those needing immediate psychological attention (8.5%). However, these percentages are still small, again substantiating the findings that the vast majority of inmates who have emotional problems or need professional care are not receiving appropriate services.

Political and Economic Realities

Three organizational sources of impediment to successful implementation of classification systems have been identified: ambiguously stated criteria, inaccurate communication of the model, and overcrowded facilities. Of the three, overcrowding is the most damaging and pervasive. Jail administrators and staff often perceive themselves as helpless victims at the mercy of political and economic factors that fuel the overcrowding problem. Influencing police, prosecutorial, and court policies is perceived as beyond their organizational "turf." Legislative reforms designed to increase the numbers of persons sent to jail are passed without the active resistance of correctional agencies or unions who will feel the "heat" of legislation likely to worsen overcrowded jail conditions. And, the fiscal supports needed to accommodate the increase in inmates are becoming increasingly difficult to secure from a public wary of waste and fraud in government and opposed to increased taxes.

Improved classification criteria, properly communicated to staff and inmates, represent the more easily accomplished administrative reforms to improve classification. However, jail classification cannot be achieved until the jails are depopulated and upgraded to minimum standards in all areas of the facilities operations.

The task of improving jail classification is extremely difficult at best. The road to solving jail overcrowding and, eventually, improper classification is a political process. It includes securing legislatively mandated jail capacity limits, greater authority to cite misdemeanors and felons, expansion of minimum and medium security settings, and sufficient fiscal resources to meet minimum standards. These reforms are political in nature and will not be achieved unless administrators are willing to actively seek them. Jail administrators must shed their traditionally passive political stance which has perpetuated their chronic management problems; otherwise, they will view themselves as "victims" and continually be in search of the classification system or computer application that will solve their management problems for them.

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JAILS have made significant strides in the past decade in part because of their own effort, in part because of assistance on a Federal level.

—PAUL KATSAMPES, D.P.A., AND THOMAS C. NEIL, PH.D.

Crime Victim Compensation: A Survey of State Programs

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COMPENSATING victims of crime, as a matter of governmental policy or principle, enjoys an ancient history stretching back some 4000 years to the Babylonian Code of Hammurabi. The rationale for this type of compensation is evident in Meiner's (1978: 7) citation of that historic digest:

> If the brigand has not been taken, the man plundered shall claim before God what he has lost; and the city and sheriff in whose land and boundary the theft has taken place shall restore to him all that he has lost.

The history of victim compensation in the United States dates back a relatively scant 16 years. Pioneering legislation passed in California in 1965 enacting this country's first state program set in motion a trend that to date includes a total of 30 states.

These programs have evolved and grown in many facets of their operation, including budgetary allotments, amounts awarded to claimants, applications for funds and a host of other administrative and organizational characteristics.

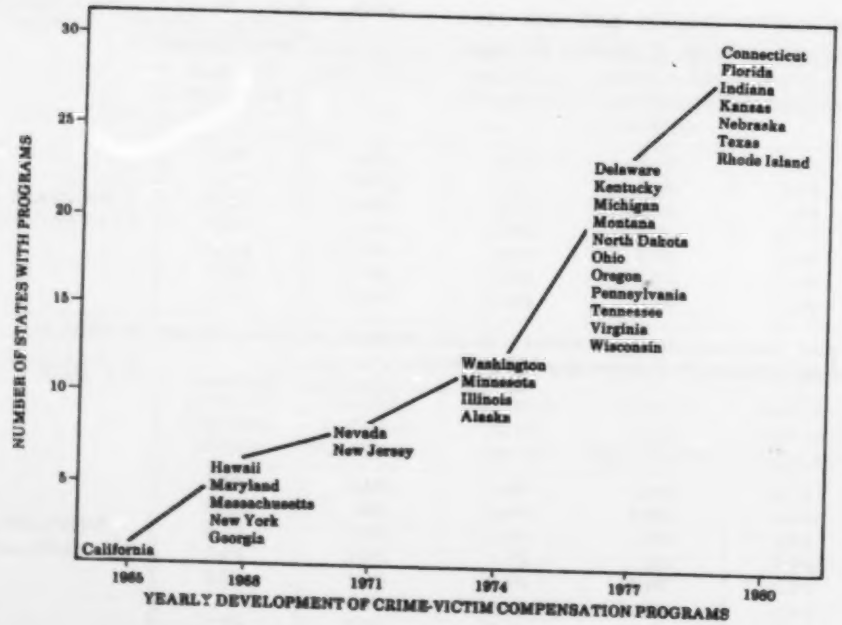
In presenting the results of a recent survey of the existent state compensation programs, this article will attempt to unravel various issues involved in crime victim compensation as well as give an indication of developing trends in the area of victim-related programs.

Expansion of State Crime Victim Compensation Programs

The growth of victim compensation programs in the United States is a comparatively recent phenomenon. While affirming the generally increasing trend in the number of states compensating crime victims, figure 1 reveals the majority of state compensation programs have been enacted within the past 5 years. Prior to 1977, only 12 states had programs in operation but the next 3 years witnessed tremendous proliferation of victim compensation programs; 18 more programs were enacted bringing the total number of states with victim compensation legislation to 30.

FIGURE 1

Growth of Crime Victim Compensation Programs



Expenditures of State Crime Victim Compensation Programs

Increased growth in the size and operation of the states' compensation programs is supported in an examination of various budgetary characteristics for the 3-year period 1978 to 1980. Table 1 provides this analysis of the total budgets and administrative costs of the existent state programs.

As these data indicate, over the last 3 years the total budgets of the individual programs have steadily increased. A further examination reveals that the average budget for an operating state program in 1978 totaled approximately $1,234,100 while in 1980 this amount had increased to $1,652,400, an increase of 34 percent.

Furthermore, program budgets for all state programs amounted to more than $22,214,000 in 1978 while in 1980, $36,352,000 was spent in operation of the programs, representing an increase of 64 percent. This relationship holds constant for the administrative costs of these programs as well. Administrative costs amounted to $3,635,100 in 1978 and climbed to more than $6,504,100 in 1980.

Considering the amounts of money being spent in the operation of state crime victim compensation programs, it should come as no surprise that the issue of expenditures is subject to much review by authors and legislators. One persistent debate centers on the Federal Government's role in compensating victims of crime.

Proposals for Federal involvement in the financial operation of victim compensation programs can be traced to the year the California program was enacted. In 1965, Texas Senator Ralph Yarborough introduced to Congress a scheme outlining a national compensation program for crime victims. Unsuccessful in that year, and in 1967 and

TABLE 1

PROGRAM BUDGETS
CRIME VICTIM COMPENSATION PROGRAMS BY STATE
FISCAL YEAR ENDING 1978 TO 1980

State	Total Budget 1978	Total Budget 1979	Total Budget 1980	Administrative Budget 1978	Administrative Budget 1979	Administrative Budget 1980	Funding Source
Alaska	$ 340,000	$ 340,000	$ 340,000	$ 73,884	$ 91,456	$ 92,821	GSR
California	6,462,245	6,462,245	6,462,245	869,230	1,308,892	1,633,018	BOTH
Connecticut	(b)	(a)	(a)	(b)	(a)	(a)	SUR
Delaware	242,139	328,183	362,440	87,942	123,849	124,923	SUR
Florida	1,112,705	2,704,434	2,577,631	142,506	425,486	452,486	SUR
Georgia	(b)	(b)	(b)	(b)	(b)	(b)	(b)
Hawaii	307,092	224,060	674,497	61,290	66,357	75,962	GEN
Illinois	(a)	(a)	(a)	(a)	(a)	261,000	GEN
Indiana	(a)	120,000	50,000	(a)	(a)	(a)	BOTH
Kansas	(b)	214,190	158,128	(b)	64,190	61,128	GEN
Kentucky	366,000	413,343	422,036	121,836	217,766	163,669	GEN
Maryland	1,332,539	2,645,230	2,627,229	140,234	143,604	150,163	GEN
Massachusetts	(a)	(a)	(a)	(a)	(a)	(a)	GEN
Michigan	750,000	1,500,000	1,500,000	95,827	92,457	128,438	GEN
Minnesota	375,000	375,000	500,000	50,000	55,000	60,000	BOTH
Montana	195,000	195,000	172,258	14,614	28,881	44,021	SUR
Nebraska	15,047	41,879	82,685	15,047	27,013	42,522	GEN
Nevada	(b)	(b)	(b)	(b)	(b)	(b)	GEN
New Jersey	1,252,239	1,273,889	1,940,793	269,209	195,889	223,253	BOTH
New York	5,052,395	6,217,613	6,591,483	739,317	859,811	959,178	GEN
North Dakota	(a)	226,000	322,000	(a)	40,000	49,000	GEN
Ohio	1,398,547	4,483,760	5,869,510	488,997	746,280	1,237,421	SUR
Oregon	438,666	732,604	732,604	38,666	69,901	69,901	GEN
Pennsylvania	1,000,000	946,000	1,251,000	240,000	251,000	251,000	BOTH
Rhode Island	(b)	(b)	(b)	(b)	(b)	(b)	SUR
Tennessee	(a)	(a)	(a)	(a)	(a)	(a)	(a)
Texas	(b)	(b)	(b)	(b)	(b)	140,245	SUR
Virginia	434,886	400,205	414,890	30,556	30,365	35,144	SUR
Washington	1,139,535	1,432,760	1,800,619	155,925	131,106	118,295	BOTH
Wisconsin	(a)	1,500,000	1,500,000	(a)	(a)	130,000	GEN

(a) Information not provided in response to survey instrument.
(b) Information not applicable to particular state program.
Funding Source Key: GEN—general state revenue
SUR—surcharge, fine or added court costs
BOTH—combination of general state revenue and surcharge, fine or added court costs.

1969, the "Victims of Crime Act" has been reintroduced, with modifications in every session of Congress since (Meiners, 1978: 39-40). Hoelzel (1980) adds that "Two years ago, the House and Senate both passed a bill to pay twenty-five percent of state costs, but the House later refused to support the conference committee version of the proposal. That was as close as the idea has come to success." (1980: 493).

Legislators are not alone in averring some degree of national governmental responsibility in the administration of crime victim compensation programs. Educators Norval Morris and Gordon Hawkins suggest beneficial results of a national compensation program in *Letter to the President on Crime Control*:

> Our recommendation is that the federal government should establish a national victim compensation program. Our position is that in a society in which violent crime is pandemic, those unfortunate enough to be victims should not have to rely for compensation on a civil process which commonly proves to be illusory (1977: 70).

Morris and Hawkins further indict politicians for paying too much attention to the crime problem, but failing to consider the victim's plight; "There is something almost obscenely hypocritical about the way in which public figures bewail and deplore criminal violence in America and yet contrive to ignore the plight of the victims of that violence" (1977: 70).

One of the arguments raised by Morris and Hawkins is also involved in one of the major contra-arguments to Federal assistance to state compensation programs. Specifically, this argument maintains that monies should be increased in the area of crime prevention. The argument would progress in such a manner, that it would propose that if a crime is eliminated or prevented, there would be no need for compensating its victims.

Some legislators do not affirm the positive feelings toward victim compensation expressed by Yarborough and Morris and Hawkins. "In Congress, opponents of the proposed programs to pick up part of the states' costs argue that the measure would be just one more unwarranted expansion of the federal role in state and local government" (U.S. News and World Report, July 24, 1978: 68).

John Blackmore reports that nine members of the House Judiciary Committee of 1976 opposed the victim compensation legislation in front of them at the time because they felt that "If government aids crime victims because of the nature of their plight, then it should aid all persons similarly injured, be they crime or accident victims" (1979: 38). The Committee further justified their opposition to the legislation by declaring that the government, by passing the funding enactments, would be risking the possibility of class-action suits being filed by members of the public.

In further statements opposing Federal intervention in state compensation programs, the Committee members voiced a belief that the action could be one other "iron in the fire" for the Federal Government, which they viewed as already overextended; "The bill seems particularly ill-timed when there currently is so widespread an appreciation of the exhaustibility of the federal font" (Blackmore, 1979: 38).

Additional opponents to Federal involvement in victim compensation argue that existent assistance programs would, in the event of a national compensation program, be eliminated.

Considering the recent economic trends of double-digit inflation, broadening tax bases and the Proposition 13 sentiment, the most damaging argument against extending Federal assistance to states' victim compensation programs seems to be the cost factor. However, there is no consensus among experts concerning estimates of the costs of a Federal compensation program. The many experts who have been hired to come up with a figure have given estimates ranging from a mere $22 million to more than $500 million (Blackmore, 1979: 38).

Austern, et al. (1980: 68-71), affirmed this assessment of the attempts at projecting possible Federal expenditure in this area. As an example of the confusion among analysts, Austern examined three prominent estimates of the costs to the Federal Government for maintaining a compensation program. The first estimate was presented to the Committee on the Judiciary, Subcommittee on Criminal Justice, by counsel Thomas W. Hutchinson. His 3-year projection was as follows: $22 million for the first year, $29 million for the second year, and $35 million for the third year (Austern et al., 1980: 68).

Edward Jones, a senior economic advisor in the Office for Improvements in the Administration of Justice, purported that the estimated cost of a Federal victim compensation program would be $22.2 million for the first year of operation of the program (Austern et al., 1980: 69).

Finally, Austern examined the work of Roger Meiners, who estimated that the cost to the Federal Government would be in the neighborhood of $500 million per year, significantly higher than either estimate of Hutchinson or Jones (1980: 70).

Despite the ongoing debates concerning the possibility of the Federal Government assuming an active role in compensation programs, this evaluation seems unlikely. The Reagan administration proposes stringent budget considerations and less Federal Governmental intervention in state affairs. Therefore, funding in this area, or the establishment of a national compensation program will expectedly be doomed to its traditional role, begun with Yarborough's proposals in 1965.

Since the Federal Government has not taken a firm active role in financially assisting state victim compensation programs, each state has devised its own method of generating the necessary funds to keep their respective programs functioning.

Referring to table 1, it is evident that most states finance their compensation programs directly from the state general revenue thereby providing complete appropriation for the compensation of victims of crime. Other states establish an autonomous fund into which offenders contribute some portion of their fines or court costs. Additionally, through creative sentencing, some offenders directly pay restitution to the victim of the offense. In the instance of some states, the monies for the compensation of victims of crime is gleaned through a combination of legislative appropriation and contributions from fines, court costs, and restitution.

There have been some stunning successes in the funding area and some dismal failures. Hoelzel provides an example: "California, which collects part of its funds from outside sources, represents one of the more successful financing efforts. Over the last two years, the state has collected five million dollars—almost half of the cost of its program—through fines upon those who have committed crimes, 'penalty assessments' on other felons and misdemeanants, and restitution and civil judgments from criminals to the state, which has already indemnified the victim" (1980: 492).

Some states' policies indicate they expect their victim compensation programs to be self-sustaining. These states have established a separate fund or account into which offenders must contribute and from which all compensation is paid. Usually, the state imposes a specific fine or charge upon the convicted offender; or a surcharge is extracted from court costs for felony and certain misdemeanor offenses.

According to Hoelzel, legislators favor a program in which offenders bear the burden of compensating victims. But although Florida, Virginia, and Delaware reportedly support their entire programs from funds generated through fines or surcharges upon convicted offenders, other states like Tennessee and Texas have found that the demands upon the fund sometimes exceed the income (1980: 492).

Another method of financing part of the costs of victim compensation programs is referred to as subrogation. All states make provision for the recovery of compensation payments from the offender through subrogation. Subrogation simply means that the state may compel the convicted offender, through civil action, to reimburse the state for all or part of any compensation award the state may have granted (Blackmore, 1979: 41).

Despite this provision, the practice of subrogation is seldom used, largely because the offender is rarely in a financial position to pay any monetary judgment that may be rendered against him and because the additional time and money that would be necessitated if the state were to pursue civil action against the offender simply would not be worth the monies collected.

Another rarely used method of compensating crime victims, is the attachment of conditions of reimbursement to the victim in the conditions of probation or parole of the offender. Yet, as Blackmore notes, typically criminal court judges are allowed to require offenders to reimburse the state for compensation awards as conditions for parole or probation (1979: 41).

In 1977 New York added a provision to its victim compensation legislation which stipulated that the state could impound or confiscate monies from "unjust enrichment." Following the notorious "Son of Sam" murders, convicted killer David Berkowitz stood to make more than a million dollars in film and book royalties for the rights to his version of the crimes. The legislature amended the existing compensation law to provide that any income received by an offender for the rights to recreate a crime would be diverted into an escrow account, under the supervision of the crime victim board, from which compensation may be paid to the offender's victims (Blackmore, 1979: 41-42). The New York law has come under attack but several other states have passed similar legislation and the trend seems to be spreading.

With the above-mentioned methods employed for financing victim compensation, one would expect the various programs to be functioning well. However, the programs in New Jersey and Texas provide examples to the contrary. The reasons for the funds running below demand seem to be twofold; either the programs suffer from apathetic employees or persons responsible for collecting fines, surcharges or court costs; or from fraudulent applications and misuse of monies.

Hoelzel reports the statements of a worker with the Tennessee program: "We really haven't gone bankrupt . . . Revenues have not kept up with the number of claims. As claims come in now, they go on a waiting list for payment" (1980: 491-492). Further, according to the program official, the program is about 3 months behind in payment. Hoelzel indicates that the fund is financed through a $21 litigation tax imposed upon convicted felons, but clerks, who consider the tax a bother, often do not collect it (1980: 493).

Associated Press headlines from Austin, Texas, in November of 1980 reported a similar story for the then 1-year old compensation program in Texas. The program in this State was expected to be self-sustaining through the imposition of additional fines on convicted felons and certain misdemeanants. As the fund director has reported, however, that has not been the case. It was estimated that the funding practice would generate $3 million a year, but during the first year of operation, less than $800,000 was collected and approximately $140,000 of that amount had been spent on administrative and operational expenses (Tuma, 1981). The blame was placed on the individual county courts for being negligent in the collection of the special fines.

It is readily apparent, therefore, that the various funding strategies devised by the states to support crime victim compensation, have met a mixture of successes and failures. Yet the observation of the more successfully funded programs indicate that these funding difficulties may be overcome and result in an adequately funded program for the compensation of victims of crime. The most glaring cause of failure in the funding process appears to be the human element.

Awards to Victims of Crime

Along with staggering increases in the costs of victim compensation programs over the past 3 years, there have been similar increases in the number of applications for assistance, the number of applications approved for assistance and the amounts of monies awarded to crime victims.

In 1978, as is affirmed in table 2, some 21,950 applications were fielded by state compensation programs. One year later this figure increased to 25,532 and in 1980, 32,436 applications were received by the responding state programs, representing an average of over 1,150 applications per program for that year. Of the applications received in 1978, 8,281 (38%) were granted awards. In 1979 some 11,561 awards were made representing 45 percent of all applications received and in 1980, 10,514 awards were granted (32% of applications received). Thus, between 1978 and 1980 some 79,918 applications were received for consideration resulting in 30,356 applications being approved for assistance, representing 38 percent of all applications.

These data are more meaningful in terms of the amounts of money awarded to claimants. In 1978, the existing state victim compensation programs awarded more than $20,784,000 to applicants. In 1979 this amount climbed to $30,236,000 and in 1980 the amount of money awarded to claimants was an unprecedented $34,173,000. In terms of individual awards these dollar figures also indicate steady increases in the aid to crime victims. The average award amount in 1978 was just over $2,500. In 1979 the average award totalled just over $2,600. In 1980, the average award was just over $3,200, representing an overall increase of more than 28 percent over the 3-year period.

An analysis of the percentage of the total budgets occupied by awards to applicants over the 3-year period yields information demonstrating that over 90 percent of program budgets went to aid crime victims. In 1978, the amount of money spent operating existing state compensation programs was $22,214,000. Payments to crime victims that year totalled over $20,784,000 or 93 percent of total program budgets. In 1979, total budgets amounted to $32,776,000 with awards to victims amounting to $30,236,000 or 92 percent of program budgets. Finally, in 1980, total budgets were approximately $36,352,000 while payments to victims summed to $34,173,000 or 94 percent of the funds dedicated to the operation and administration of victim compensation programs going to victim-applicants in the form of awards payments.

Program Characteristics of State Crime Victim Compensation Programs

As demonstrated in table 3, state crime victim compensation programs are generally unique in most policies and practices, however certain program characteristics are similar among the various programs.

Nearly every compensation program has a specified maximum possible award, which ranges from a minimum of $5,000 to an unlimited amount. Likewise, over half of the programs require some minimum loss the victim must incur before the application will be approved for assistance. These states typically require minimum losses between $100 and $200.

TABLE 2

APPLICATIONS FOR COMPENSATION, AWARDS AND AMOUNTS AWARDED CRIME VICTIM COMPENSATION PROGRAMS BY STATE
1978-80

State	Appl. Recd. 1978	Appl. Recd. 1979	Appl. Recd. 1980	Appl. Awarded 1978	Appl. Awarded 1979	Appl. Awarded 1980	Money Awarded 1978	Money Awarded 1979	Money Awarded 1980
Alaska	100	95	98	99	70	93	$ 285,673	$ 225,639	$ 249,968
California	7,028	7,444	9,055	1,914	3,158	(a)	4,252,648	6,418,857	6,462,245
Connecticut	(b)	82	206	(b)	9	124	(b)	10,344	211,991
Delaware	(a)	131	150	(a)	102	110	154,197	214,025	251,873
Florida	1,141	1,370	1,555	435	530	464	1,108,125	1,345,825	1,283,465
Georgia	(b)	(b)	(b)	(b)	(b)	(b)	(b)	(b)	(b)
Hawaii	367	352	459	216	241	450	245,802	223,396	598,535
Illinois	734	798	845	501	465	536	1,082,214	1,942,464	1,998,699
Indiana	(b)	(b)	365	(b)	(b)	339	(b)	(b)	261,380
Kansas	(b)	65	109	(b)	16	55	(b)	35,977	105,598
Kentucky	249	245	287	72	123	159	132,832	288,452	359,275
Maryland	504	571	600	341	350	548	1,468,289	1,446,852	1,550,000
Massachusetts	355	429	496	251	202	169	1,122,644	656,616	469,033
Michigan	949	1,475	1,760	415	635	855	493,185	1,112,678	1,500,000
Minnesota	389	420	463	146	148	121	360,000	365,000	465,000
Montana	41	118	120	20	91	94	26,075	131,010	130,238
Nebraska	(b)	19	75	(b)	9	58	(b)	6,723	52,856
Nevada	4	3	1	2	0	1	6,758	0	5,000
New Jersey	876	966	1,020	269	301	464	952,322	1,186,449	1,559,505
New York	5,489	6,289	7,885	1,764	2,458	2,617	4,313,078	5,357,802	5,632,305
North Dakota	(a)	89	90	(a)	44	50	(a)	185,000	175,000
Ohio	1,244	1,330	1,839	506	717	1,018	2,332,015	5,286,069	6,315,497
Oregon	230	318	312	71	163	194	132,785	491,672	406,350
Pennsylvania	559	785	1,008	304	425	264	714,497	770,958	544,725
Rhode Island	0	7	9	0	0	4	0	0	66,848
Tennessee	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)
Texas	(b)	(b)	1,060	(b)	(b)	128	(b)	(b)	417,067
Virginia	199	184	206	52	87	161	103,675	250,449	318,092
Washington	1,041	1,144	1,440	706	814	975	963,610	1,301,654	1,682,324
Wisconsin	451	803	903	195	403	463	513,751	981,598	1,100,000

(a) Information not provided in response to survey instrument.
(b) Information not applicable to particular state program.

Seventy percent of the state compensation programs make provisions for the granting of an emergency award. These awards are made "on the spot" without the formal processing of the standard application and are intended to alleviate immediate hardships caused by the criminal victimization.

Virtually, every program qualifies as eligible, expenses for reimbursement hospital and medical expenses. Lost wages are likewise reimbursed by nearly every state crime victim compensation program. Over half of the states provide for funeral or burial expenses as part of the crime victim compensation. Typically, the states will defray at least one to three thousand dollars of any funeral expenses incurred by the victim's family or next of kin.

Every state compensation program has a determined time limit within which potential applicants must file for consideration for an award under the auspices of the program. The time limits range between 6 and 24 months with the typical limit being 12 months. Numerous states make provisions for extending the time limit in cases involving extenuating circumstances.

In as many as one-fourth of the state programs, attorneys' fees are not eligible for compensation. Hoelzel (1980) indicates that attorneys are becoming more and more involved in the claims process as evidenced by the fact that in Maryland in 1978 more than half of the claimants were represented by counsel. In 1979, however, more than 90 percent of the claimants were so represented. While three-fourths of the states with victim compensation programs do qualify attorneys' fees as eligible expenses, this trend will surely increase as attorneys will become more and more involved in the claims process.

Only four states responding to the current survey indicated that their programs did make awards for pain and suffering. Awards for this type of injury are explained as follows:

TABLE 3

PROGRAM CHARACTERISTICS
CRIME VICTIM COMPENSATION PROGRAMS BY STATE

State	Year Began	Time Limit to File (mos)	Proof of Financial Need	Victim-Offender Relationship Affect Award	Restitution Affect Award	Police Advise Victim	Public Awareness Program	Number Prof. Staff	Number Cler. Staff
Alaska	1972	24	no	no	no	yes	yes	1	1
California	1965	12	yes	yes	yes	yes	yes	45	21
Connecticut	1978	24	no	no	yes	yes	yes	0	2
Delaware	1974	12	no	yes	yes	no	yes	5	0
Florida	1978	12	yes	no	yes	yes	yes	7	7
Georgia	1967	(b)	(b)	(b)	(b)	(b)	(b)	(b)	(b)
Hawaii	1967	18	no	yes	yes	no	no	2	1
Illinois	1973	12	no	yes	yes	yes	yes	8	12
Indiana	1978	12	no	no	no	no	no	5	0
Kansas	1978	12	yes	no	no	no	no	2	1
Kentucky	1976	12	yes	no	yes	no	no	3	4
Maryland	1968	24	yes	no	yes	no	yes	7	3
Massachusetts	1978	12	no	no	yes	no	yes	(a)	(a)
Michigan	1977	12	yes	yes	yes	no	yes	3	2
Minnesota	1974	12	no	no	yes	yes	yes	1	1
Montana	1978	12	no	yes	yes	yes	yes	2	1
Nebraska	1978	24	no	yes	yes	no	no	1	0
Nevada	1969	24	no	yes	no	no	no	(b)	(b)
New Jersey	1971	12	no	no	yes	no	yes	13	10
New York	1966	24	yes	no	yes	yes	yes	36	18
North Dakota	1975	12	no	yes	yes	no	yes	1	0
Ohio	1976	12	no	yes	yes	yes	yes	9	11
Oregon	1977	6	no	no	yes	yes	no	2	2
Pennsylvania	1976	24	no	no	yes	yes	yes	3	4
Rhode Island	1978	24	no	no	yes	no	no	(b)	(b)
Tennessee	1976	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)
Texas	1980	6	yes	yes	yes	yes	yes	2	8
Virginia	1976	24	yes	no	yes	no	yes	1	2
Washington	1974	12	no	no	yes	yes	no	3	2
Wisconsin	1977	24	no	no	yes	yes	yes	3	1

(a) Information not provided in response to survey instrument.
(b) Information not applicable to particular state.

(Table 3 continued on next page)

> Pain and suffering awards constitute an effort to compensate the victim for suffering experienced rather than to reimburse him for expenses (Hudson and Galaway, 1975: 427).

The same authors also justify compensation for pain and suffering on two grounds:

> First, such awards are a part of the civil law and include damages to which the victim is legitimately entitled in civil law suits; to the extent that victim compensation schemes come into existence as the result of the ineffectiveness of civil law suits, then pain and suffering benefits should be provided. Second, for some serious offenses, especially sexual offenses, pain and suffering may be the only damages, and without such awards, the victim may go entirely uncompensated (1975: 427).

Despite the apparent rationale behind this type of award, most state programs do not provide for pain and suffering awards. Citing first the enormous costs involved, the states also indicate that amounts of awards for such damages would be difficult, if not impossible, to determine and thus many states conclude that administering such awards would prove to be a tenuous endeavor.

Another of the characteristics of some of the compensation programs is the requirement that the claimant prove financial need in order to be eligible for assistance. This prerequisite raises a serious issue; whether or not compensation should be available only to the poor.

Several authors contend there should be no requirement to prove financial need because "compensation should be based on government's failure to protect the victim, rather than on a basis of financial status" (Wright, 1975: 408-409). The author further maintains:

> Compensation should be limited to personal injury and/or death. Property losses should be excluded because of the additional cost plus the greater availability and use of property insurance. Apprehension and/or conviction of the offender should not be required for awarding compensation; rather

TABLE 3 (cont.)

PROGRAM CHARACTERISTICS
CRIME VICTIM COMPENSATION PROGRAMS BY STATE

State	Emergency Award	Medical Expenses	Attorney Fees	Pain and Suffering	Lost Wages	Funeral Expenses	Maximum Award Possible	Minimum Award Possible
Alaska	yes	yes	yes	no	yes	yes	$40,000	$ 0
California	yes	yes	yes	no	yes	no	23,500	100
Connecticut	yes	yes	yes	yes	yes	no	10,000	100
Delaware	yes	yes	yes	yes	yes	no	10,000	25
Florida	yes	yes	no	no	yes	yes	10,000	0
Georgia	(b)	(b)	(b)	(b)	(b)	(b)	(b)	(b)
Hawaii	no	yes	yes	yes	yes	yes	10,000	0
Illinois	no	yes	no	no	yes	yes	15,000	200
Indiana	yes	yes	yes	no	yes	no	10,000	100
Kansas	yes	yes	yes	no	yes	no	10,000	100
Kentucky	yes	yes	yes	no	yes	yes	15,000	100
Maryland	no	yes	yes	no	yes	no	45,000	0
Massachusetts	no	yes	yes	no	yes	no	10,000	100
Michigan	yes	yes	no	no	yes	yes	15,000	100
Minnesota	yes	yes	no	no	yes	no	25,000	0
Montana	yes	yes	yes	no	yes	yes	25,000	1
Nebraska	yes	yes	yes	no	yes	yes	10,000	0
Nevada	no	yes	yes	no	yes	yes	5,000	0
New Jersey	no	yes	yes	no	yes	no	10,000	100
New York	yes	yes	yes	no	yes	no	20,000	0
North Dakota	yes	yes	yes	no	yes	no	25,000	1
Ohio	yes	yes	yes	no	yes	yes	50,000	0
Oregon	yes	yes	no	no	yes	no	23,000	250
Pennsylvania	yes	yes	yes	no	yes	no	25,000	100
Rhode Island	no	yes	yes	yes	yes	yes	25,000	0
Tennessee	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)
Texas	yes	yes	yes	no	yes	yes	50,000	0
Virginia	yes	yes	no	no	yes	yes	10,000	101
Washington	no	yes	no	no	yes	yes	no limit	0
Wisconsin	yes	yes	yes	no	yes	yes	10,000	200

(a) Information not provided in response to survey instrument.
(b) Information not applicable to particular state.

> the only burden that should be on the victim is to prove injury (1975: 409).

Marvin Wolfgang has voiced a similar opinion to the issue of proving financial need:

> Compensation should be provided by the state to victims of certain crimes against the person as an assertion of an individual right as well as a social obligation and not as a form of public charity to the needy and poor (Hudson and Galaway, 1975: 129).

Galaway and Rutman surmise that considering the victim's financial status as a basis for determining compensation benefits poses distinct problems. As an example, they cite the New York Crime Victim Compensation Board's repeated reports that "the most difficult problem still continues to be determining serious financial hardship" (Hudson and Galaway, 1975: 426). The writers further describe the problems the New York Board faced:

> The board reported that the most difficult problems have arisen in cases of (a) aged persons who have saved for retirement and whose financial condition is above the level at which they can be reimbursed for medical expenses, and (b) working middle-class persons who pay taxes and when victimized, feel that their medical expenses and loss of earnings should be reimbursed (1975: 426).

However, compensating victims regardless of financial status would be expensive. William Doerner has estimated that as few as 2 percent of the victims of violent crimes file for victim compensation (1980: 62). Therefore, considering Doerner's estimate, if all victims of crime were to request assistance, the costs of administering victim compensation programs would be staggering.

More and more states are not requiring the establishment of proof of financial need before consideration for compensation. As is indicated in table 3 approximately two-thirds of the state compensation programs do not require the demonstration of financial need for compensation.

In as many as 11 states, there would be no payment or at best a reduced payment of compensation funds if the victim-applicant was related to the offender. In Blackmore's 1979 survey of state compensation programs, 21 states indicated that a victim-offender relationship was a disqualifying factor in the awarding of funds. Thus the trend seems to indicate that this requirement is decreasing in popularity.

Nearly every state compensation program provides for reduced awards if restitution is provided by the offender to the victim. This means that the actual amount of the compensation award is reduced by the amount of restitution ordered payed by the offender.

Despite the inherent problems in the various states' program policies and funding and financial difficulties, one of the biggest problems states face is informing the citizenry and potential award recipients of the program's existence.

As Austern affirms, "The one constant throughout crime victim compensation programs is that a very small percentage of those victims who are eligible for awards in fact apply" (1980: 71). Hoelzel argues that many victims are not aware of the help that is in fact available to them and reveals that, for example, only 3 percent of Alaska's eligible victims apply for help, only 12 percent in Hawaii, 5 percent in Maryland and 2 percent in New York (Hoelzel, 1980).

Several authors suggest that state legislatures themselves are to blame for the lack of awareness concerning state victim compensation programs. Again quoting Hoelzel:

> In 1977, for example, the North Dakota legislature rejected a proposal that would have required police officers to notify every victim about the program. In an effort to limit its claims, Nebraska stipulated that none of its first year appropriation could be spent on publicity. And Washington state legislators were distraught when they saw the widespread publicity that program first received (1980: 495).

Apparently the legislators fear that the public will view the programs as a giveaway and flood the program with applications for assistance. Also, the legislators may fear that because a majority of the requests for assistance are denied, disappointment may result in an irate electorate.

The current survey results indicate that the majority of states now have established public relations efforts to increase the public's awareness of the crime victim compensation programs in existence. To this end, at least half of the states now require law enforcement officers to advise victims of crime that they may be eligible for compensation under the auspices of the compensation program. In addition, hospitals and attorneys are making potential award recipients aware of the benefits that they may be entitled to under compensation programs. For these reasons, awareness of the existence of victim compensation programs promises to increase in the years ahead.

Conclusion

Compensating crime victims for injuries sustained as a result of their victimization, although a relatively recent development in the United States, has evolved into a highly complex practice. The state compensation programs in existence today are subject, in varying degrees, to similarities in certain organizational characteristics which were addressed in the previous sections of this presentation. The programs also appear to share certain disparities. Most evident of the disparities seems to be the fact that although budgetary allotments and monies awarded to victim-applicants have increased dramatically in recent years, relatively few of the potentially eligible victims actually partake of the available services and assistance. Thus the greatest need for the improvement of crime victim assistance would logically be involved in encouraging participation through some type of public awareness program or through the requirement that law enforcement officials or other "contact personnel" in the criminal justice system inform crime victims concerning their possible eligibility for program funds.

The trend of crime victim compensation program growth still appears to be increasing, regardless of the number of actual participants versus eligible applicants.

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Probation Officers *Do* Make a Difference

BY MARILYN R. SÁNCHEZ

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"I have counselled with social workers and psychologists. I have been involved in vocational training, group therapy, drug therapy, and I even went back to school, but the cycle of my life never changed one bit."

—An offender, quoted in a North Carolina prison ministry publication[1]

All probation officers have heard offenders make remarks similar to this one. And the question arises again and again: What makes for change? What are the agents for change?

Perhaps the word *change* can be defined from one of the goals that Al Havenstrite (chief probation officer, United States District Court, Dallas) lists for probation officers: ". . . help the client to improve social adjustments during the period of supervision and hopefully throughout the remainder of his life."[2]

That temptation always exists for probation officers (or parole officers or agents) to explore every new trend to see if *it* is the miracle that will transform lives. (Not that the classes, the techniques, the seminars and the workshops are not helpful, but they frequently are found wanting.) In fact, officers sometimes become discouraged waiting for even a slight amount of growth, forgetting that they often are pivotal in helping change to come about.[3]

In Hennepin County,[4] Minnesota, near the end of a defendant's term on probation, the probation officer writes a report to the judge having jurisdiction, summarizing a defendant's progress while on probation and making recommendations concerning discharge, as well as giving some feelings about his or her future behavior.

To facilitate writing such a report, I solicit the probationer's comments. These sessions also have been used to determine how the probationer perceives my role as probation officer during the time of probation. I find that many probationers affirm the role of the officer.

Since 1975, I also have invited several probationers to join me in making presentations in schools. Repeatedly, when probationers addressed classes, they said that: (1) the probation officer *mattered* and that (2) change *was* occurring in their lives. (Sometimes the changes were small, sometimes dramatic.)

Because the probationers indicated that the probation officer was an instrument of change,[5] and because so much literature and attention are pointed at the failure of the "system" (including probation), my interest was heightened to pursue the notion of "success" in a more structured way.

This article does not examine the failures of probationers or probation officers; rather, it examines the successful interaction between officer and client. It will discuss a three-issue model for feedback from probationers:

(1) The "exit interview" with the probationer,[6]
(2) presentations in schools,
(3) and the postprobation, checkoff list.

While some details will be given about the first two issues, the latter will be discussed in more detail. The assessment serves as a postprobation tool, and it directly helps other probationers by motivating the officer to integrate certain aspects of the assessment into supervision.

Hennepin County's District Court Probation Adult Division has provided probation officers the opportunity to explore avenues of improvement and has been generous in providing one time to speak in schools. My supervisor and division head have been particularly supportive and flexible in helping me to make plans and necessary arrangements.[7] And were it not for the Fourth Judicial District judges' concern for probationers and the trust the judges place in probation officers, probation supervision would be either much more mechanistic or more difficult.

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[1] "Yokefellow News," September 1980, Vol. 5, No. 3, p. 1. This publication is by Yokefellow Prison Ministry of North Carolina, Inc., P.O. Box 10094—Salem Station, Winston-Salem, North Carolina. This particular offender changed his life through a religious experience.

[2] Havenstrite, Al, "Case Planning in the Probation Supervision Process," *Federal Probation* 44:2 (June 1980), p. 57.

[3] *Ibid.* Mr. Havenstrite states: "A probation officer can serve as an agent of change in the life of a probationer."

[4] Hennepin County includes Minneapolis and its suburbs, a metropolitan area of about 940,000 people. Its court system works with not only local offenders, but those from a five-county area and also from other parts of Minnesota. Minneapolis is the largest city in the State.

[5] Although Dr. Shelle Dietrich (staff psychologist at the Federal Correctional Institute, Oxford, Wisconsin) questions the training and competence of the probation officer to facilitate change in another person (see "The Probation Officer as Therapist: Examination of Three Major Areas," *Federal Probation* 43:2 (June 1979), pp. 14-19), Dr. Henry Hartman (psychiatrist, Toledo, Ohio) writes that he believes the probation officer can begin to reach motivations and strengths: "This does not mean the probation officer should play the role of psychiatrist or analyst. It means identifying and utilizing these factors within his competence as a counselor." (See "Interviewing Techniques in Probation and Parole: The Art of Listening," *Federal Probation* 43:2 (June 1979), pp. 58-59.)

[6] The term "exit interview" was used extensively by the communications media, referring to interviews of voters as they exited polling places in 1980.

[7] Edward Sedio, supervisor; Willard Botko, division head, District Court Probation.

For the most part, Hennepin County probation officers supervise only medium- and high-risk offenders. (Low-risk offenders are transferred to a team of volunteers supervised by a probation officer.) Caseloads include the usual range of felony and gross misdemeanor offenders, as well as a good many criminal sexual and assaultive offenders (who receive additional supervision time as required by the Bench), and a number of white-collar offenders. Probationers include both men and women, 18 years and older, with some younger juveniles certified as adults. These caseloads generally are between 45 and 85 clients, and probation averages about 2 years. Minority offenders are largely blacks and Indians.

As often found in an involuntary relationship, many probationers are hostile, testing, and angry when they are first assigned to probation. Frequently, they are particularly angry about specific conditions of probation, such as keeping away from the victim, paying restitution or treatment. As Dr. Henry Hartman has noted, "It (the relationship) is likely to be viewed by the probationer more often as punitive. . ."[8]

The "Exit" Interview

About a month prior to probation discharge, I hold an exit interview with the probationer which covers the following topics:

1. General rules of probation, including any arrests.
2. Specific conditions of probation, such as restitution or treatment.
3. Presentence investigation evaluation section.
4. A review of the needs/wants assessment inventory filled out initially by the probationer during the first quarter of probation.
5. A review of the specific offense(s) and situation which brought the offender into Court and a discussion of the likelihood of repetition of, or propensities toward, illegal activity.
6. Status factors, such as living arrangements, job or family.
7. A comparison by the probationer of his or her life now, compared to when he or she was first on probation.
8. Present attitudes toward self-control, authority, and right versus wrong.
9. A review of techniques of problem-solving and ways to relieve stress.
10. A review of resources available to the probationer.
11. The probationer's perceptions of the role of the probation officer.

The first eight topics give the officer and probationer a context in which to examine change. Numbers 9 and 10 review help available to the probationer for the future. Number 11 assesses the effectiveness of the probation officer.

Many probationers mention events or actions during the time of probation which took on meaning for them, such as receiving a birthday card from the probation officer (it was " the *only one*" they received), a call they received asking how a grandfather was doing after hospitalization, the importance of asking (for the millionth time, it seemed to me), "Have you been keeping away from drugs or drinking?,"[9] a discussion about the meaning of love,[10] or a confrontation about the probationer's hostility toward a mate.

What started to become very apparent from the interviews was the importance of the probation officer's role and the confirmation of change.

Presentation in Schools

On several occasions during the year, probationers who show some measure of stability are invited to join in making presentations in schools. Probationers are not told what to say during the presentations, but they are encouraged to be honest. The teacher gives me a general outline on the kind of information requested by the class.[11]

Depending upon the class visited, the dialogue is structured to the extent that the probation officer gives information to the class and then the probationer gives information from his or her point of view. Probationers invariably mention the relationship they have with their probation officer. A few defendants have praised of the way the officer has interviewed or tried to instill confidence. Most probationers report that the probation officer became a stable force at an important time in their lives: attending to some needs, giving some direction, talking about right and wrong, and making them feel they were important. Their remarks have been a reiteration that they needed someone at that time and that the probation officer filled that need.

In a recent article, Dr. Gloria Cunningham discusses the need to understand "real treatment" and, among other views, states:

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[8] Hartman, H., "Interviewing Techniques in Probation and Parole: Building the Relationship," *Federal Probation* 43:1 (March 1979), p. 60.

[9] More than 15 probationers have emphasized how important it is to keep asking about chemical use. One young man reported: "I lied several times but I got so I couldn't bear to think I'd have to continue to lie to you when you asked if I were staying off drugs and keeping away from 'old' friends; so I quit the drugs."

[10] Some of the defendant's mentioned how helpful the book *Love and Addiction* was in focusing on what *love* meant. Peele, Stanton, Love and Addiction (New York: New American Library, 1975). 238 pp.

[11] These speaking engagements average five times a year, in public and parochial schools, to such courses as Sociology, Consumer Law, Business Law, Journalism, Social Studies, and Health.

> Real treatment can be understood as any kind of purposeful intervention rendered within the context of an ethically bound professional relationship and directed toward aiding the client in easing some problematic aspect of his or her functioning.[12]

She goes on to raise the question about the key situation, "Is it meeting some real need? Is it likely to produce some real change in the situation for the better? Can the client and other people involved make some real change in the situation for the better? Can the client and other people involved make some real use of the help you are offering?"[13]

Probationers who are invited to speak in schools must meet the following criteria:

1. On probation for at least a year.
2. No new felony, gross misdemeanor convictions.
3. No new arrests while on probation, unless there is evidence that the probationer learned a significant lesson from the arrest.
4. Showing ability to learn from the original offense.
5. Meaningfully employed or in school or a homemaker.
6. Showing at least two specific instances where he/she overcame disappointment or did not insist upon his/her own way of doing things.
7. Attempting to be honest.
8. Wanting to share what has been learned.
9. Showing evidence of problem-solving.

The Checkoff List Assessment of the Probation Officer

Instead of tucking away these "good words" from the probationers to feast on during frustrating or depressing days, I was challenged to determine *why* the officer makes a difference and *how* the difference is brought about.

I began to compile desirable characteristics for a probation officer[14] and a list of effective probation methods, using these sources:

1. The probationers (from the "exit" interviews, the remarks made in the speaking engagements, letters, and in probation reporting sessions).
2. The professional literature.[15]
3. Hennepin County Court Services Bulletins outlining responsibilities and expectations of probation officers.[16]
4. Fellow probation officers, supervisors, judges.
5. Reviewing the type of people in general who had made a difference in my life.[17]
6. Reviewing my personal assumptions about the probation process and my part in it.[18]
7. A friend who teaches a Human Relations course.[19]

The list then seemed to have several categories:

- Ability of the officer to communicate
- Ability of the officer to assess
- The officer's knowledge
- Ability of the officer to set limits and to focus on prevention
- Personal traits of the officer

From these categories, a series of questions was developed in the format of a short checkoff list. The checkoff list was not meant to *replace* the "exit" interviews, but to *supplement* them. Important considerations in developing the form were:

- To use plain language
- To make it short
- To allow for anonymity, if desired
- To allow the probationer additional comments
- To limit the range of evaluation

I ask each probationer to fill out the checkoff list after he or she is discharged from probation. I encourage the probationers to be frank. Each person is given a stamped envelope addressed to my supervisor. Periodically, the supervisor reviews the contents of the evaluation with this officer.

A portion of the form is reproduced here.

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[12] Cunningham, G. "Social Work and Criminal Justice: New Dimensions in Practice," *Federal Probation* 44:1 (March 1980), pp. 64-69. Dr. Cunningham is assistant professor, School of Social Work, Loyola University, Chicago.

[13] One example of a probationer developing insight: A probationer spoke to a high school class that was studying chemical dependency. After a student in the class confided to her that he had a problem with drinking and needed help from Alcoholics Anonymous, the probationer confided: "I regret very much that I minimized the AA approach in answering that young man's question. I won't do it again. I should have recognized AA is very important and a good way for a lot of people—maybe the *only* way for some of them."

[14] At a conference in Cottonwood County (Minnesota), social service agency workers identified their attitude toward probation officers. The positive attributes were "involved, dedicated, available, understanding, knowledgeable." Taken from *Interchange*, Summer 1970 (7:3), in a brief article "Judging Impressions." Published by the Minnesota Supreme Court.

[15] *Crime and Delinquency Magazine* (issues of 1977-1978), *Corrections Magazine* (issues of 1978-1979), and *Federal Probation* (issues of 1977 through June 1980).

[16] Bulletin No. 440 (Adult), 5/72: This bulletin delineates a responsibility to the probationer, community, court, and division supervisor. Department Policy Bulletins of 7-73 and 7-79 further detail specific functions of the probation officer (direct service, indirect service, community representative, court officer, agency member), as well as specific skills to be used in these functions. For example, skills required in "Direct Service" are diagnostic ability, case work, group work, and family counselling. Criteria are also given for each *level* of probation officer work: probation officer, senior probation officer, principal probation officer. For example, the principal probation officer is expected to "be extremely competent in supervisory skills."

[17] In my experience, when under stress, the people who were most influential were inspirational, emphathetic, full of good humor, persuasive in encouraging perseverance, and assured me that one could survive with faith and optimism. They also gave the impression they would offer whatever time was necessary to help.

[18] My commitment is to the following: To present clearly what I expect from the probationer. To tell the truth. To never use authority to threaten or manipulate for my own use. To not ask any questions that I would refuse to answer about myself. To respect. To share personal experiences when appropriate. To care. To ask questions, point out consequences and warn of dangers. To be as consistent as possible. To celebrate progress and responsible decisionmaking by the probationer. To be patient and use problem-solving strategies. To aid in role rehearsal with practice of appropriate words and ways and situations. To develop awareness of behavior dichotomy and the broad spectrum of human potential. To mention the victim from time to time. To talk about reconciliation in all its forms. To be firm and to emphasize order. To advocate strenuously when a probationer is hurt or victimized.

[19] Most psychology and human relations books mention components of the successful interaction between people. These components usually include reciprocal behavior (Golden Rule); acceptance of another; consideration of another's likes, interests, aspirations; recognition of another's personal worth and recognition for another's accomplishments; cementing a feeling of partnership and teamwork. See chapter 10, "Human Relations Are Everybody's Business," in Laird, Donald and Eleanor Laird, *Psychology: Human Relations and Motivation* (New York: McGraw-Hill, 1967), pp. 200-214, 301.

Probation Officer Checklist **M.R. Sanchez, Probation Officer**

Date______________ Name (if you wish)________________

Please take a few minutes to check off your answers to these questions about your experience with your probation officer. Your filling this out will help her to emphasize important aspects and to know if she should make changes or not.

You may make comments at the end if you wish.

You may leave these pages with her supervisor or mail them to the supervisor.

Check (✓) the answer that you agree with.

	Most of the time	Not very often
1. Did she explain what the job of a probation officer was?		
2. Did she explain how the probation officer related to the judge?		
3. Did she tell me what problems she felt I had?		
4. Did she tell me what she thought my good points were?		
5. Did she listen to me when I needed to talk to her?		

Here are some representative questions:

Communication:	Did she explain what the job of a probation officer is? Did she listen to me when I needed to talk to her?
Assessment:	Did she tell me what problems she felt I had? Did she tell me what she thought my good points were? Was she able to detect manipulation or "conning"?
Knowledge:	Did she teach me *how* to solve problems? Did she refer me to other people or agencies when she could not help or did not have specific knowledge to help?
Limit-setting and prevention:	Did she warn me of what consequences I might expect if I took certain actions? Was she able to help me understand right and wrong better?
Personal traits:	Did she seem interested in my life? Was she direct and honest?

At the end of the checkoff list, three *kinds* of comments are solicited: (1) What the probation officer had done that was *extremely* important, (2) What the probation officer could have done differently during the term of probation, and (3) General or specific comments.

Actions described as "extremely important" have included:

"She accepted me." (personal trait)

"She made me feel good about myself." (assessment)

"She was firm but compassionate." (limit-setting, personal trait)

"She made me go to drug treatment."[20] (communication, limit-setting)

"She helped me think of consequences." (prevention)

"She helped me work on finances."[21] (knowledge)

"She gave me a chance on work release." (assessment)

The main areas mentioned as ones needing to improve were these:

Reviewing problem-solving. (knowledge)
(This suggests that one can never overuse this technique.)

Trying to understand depression better (knowledge)

Asking more questions. (communication, assessment)

Continuing to review the probationer's good points (assessment)
(This suggests that offenders need a great deal of help with self-esteem.)

The "other comments" category often revealed personal growth:

> "She was tough when I needed it and gave me freedom to make decisions when I acted responsibly."
>
> "At a time I needed trust most, it (probation) was especially rewarding."
>
> "I could talk about the things going on in my life and knew my trust would not be dishonored."
>
> "Of all the negative circumstances that brought us together, I have found this (probation) extremely gratifying."

These comments were not made at the beginning of the probationary period, so they cannot be dismissed as those of "con artists" at work.

The checkoff assessment forms have been given to probationers following discharge, from approximately March 1979 to October 1980. Twenty-six people received the forms and 22 people returned them, representing a response of 85 percent.

The results of the feedback model described here (exit interviews, probationers speaking in schools, and a postprobation checkoff list) reinforce the probation officer's role as an integral part of the interaction process with the probationer—that of engaging the offender's ability to mobilize his or her own forces to alter behavior (to change), and to teach him or her how to perform adequately in normal role behavior.

Dr. Cunningham offers this summary of that role:

> We do have a responsibility, however, to interpret to all clients the availability of such services, our skills in helping them to negotiate ordinary and extraordinary developmental or life stage problems, and our conviction, when it exists,

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[20] There may still be some merit to the so-called "coercive motivation." Havenstrite, *ibid*: "While a voluntary commitment to program participation is most desirable, coercive casework can be successful."

[21] Probationers often see the officer as "helping" even though it is sometimes unfashionable to use that word.

that we can make a significant and positive impact on their lives by so doing. We have, in short, the right to "sell" our skills to clients. This does involve the conviction, however, that we do have an important function to perform, that rights will be protected in the process, and that the services we have to offer are professional, effective and of real worth.[22]

Probation officers work with probationers at a crucial time in their lives: a time when they can seize opportunities for renewal and change. Unlike the offender quoted at the beginning of this article, offenders frequently are able—with the help of probation officers—to say, "The cycle of my life *did* change!"

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[22] Cunningham, G. *op cit.*, p. 68

News of the Future

RESEARCH AND DEVELOPMENT IN CORRECTIONS

BY JOHN P. CONRAD

The Sam Houston State University, Huntsville, Texas

THERE are too many prisoners, two few guards, too many incompetent managers, too little money. Not enough work for prisoners to do; longer terms for them to serve. Years of poor maintenance have left too many prisons in a state of filthy decay. No other public institution is in such disarray as our penal facilities; no other public institution is less likely to have its troubles remedied. It is no wonder that litigation has been under way in 30 states to correct the outlandish conditions that prevail in so many places of incarceration. After all, judges have consciences, and as one of them recently remarked in anguish, he has to anesthetize his feelings whenever he must sentence a young man to prison in his state. And, as another judge put it, nothing in the Constitution of the United States requires any state to maintain a prison, but if a state chooses to open such a facility it must comply with the terms of the eighth amendment.

What to do? The question was posed by the right party, though too late to act on the answer. In 1976 Congress mandated the National Institute of Justice to survey the Nation's penal facilities and to return with the answers to three questions:

[1] Are the Nation's Federal, state, and local corrections facilities adequate to meet the needs of their expanding prisoner populations?

[2] What expectations can be formed about the size of the prison population in the near future?

[3] How might various proposals for more determinate sentencing affect the use of imprisonment and the need for additional correctional resources?

These weighty questions were turned over to the Abt Associates of Cambridge, Massachusetts. We now have their final report, and the answers are cautiously complex.[1] There are five volumes; none is easy reading. Because the whole report is a landmark in penological research, I want to run through the major findings, not so much to tell you what I think they mean as to prod you into getting the whole report for yourself to decide what they mean for the prisons and jails in your part of the Nation.

ENOUGH CAPACITY?

The most creative research reported has to do with the capacity of American prisons and jails to house the masses of prisoners on hand. At best, administrators have been haphazard in determining the number of people who can be crammed into their accommodations. As the Abt reporters comment: "indeed, the capacities of correctional facilities have been administratively redefined from time to time, often with no attendant changes to the physical plant."[2] Further, the capacities of two identical prisons may be 500 or 1,000, depending on whether it is planned to put one or two prisoners into a cell. No sense can be made of the prison capacity problem by relying on data of this kind.

The solution was obvious but laborious. In their mail questionnaire to *all* the Nation's 599 prisons, the investigators asked for measurements. The survey called for physical dimensions in square feet of all the "confinement units" in which prisoners spent the night. Two categories of "confinement units" were defined: those measuring 120 square feet or more, and those measuring less than 120 square feet. Penology is still debating the minimum standards for cell space. Various organizations have recommended standards; the range goes from 50 to 80 square feet, with some adjustments to be made depending on the number of hours a day that prisoners are to be locked up. Abt based its survey on the standard recommended by the American Public Health Association (APHA): 60 square feet for each prisoner, whether in a cell or in a dormitory. Obviously, if two prisoners occupied a unit of 119 square feet or less, the APHA standard was violated.

Across the Nation, about half our prison capacity is in cell housing. That figure is meaningless. Prisons in the Northeast are 88 percent cellular, but in the South only 46 percent of capacity is in cells. That's far from the whole story. Although 61 percent of all Federal prisoners live in cells of 60 or more square feet, only 45 percent of state prisoners enjoy this minimum standard, and the corresponding figure for jails is 39 percent. The authors note that the older the prison the smaller the cells are likely to be. [Volume III, pp. 51-55]

A statistic that will disturb thoughtful prison reformers is the distribution of those 60 square feet cells by security classification. Maximum security prisoners occupy 79,900 cells, of which 37 percent exceed 60 square feet, whereas minimum security prisoners all allocated 7,000 cells, of which 96 percent are equal to or greater than the APHA standard. Medium security prisoners occupy 54,800 cells, of which 54 percent meet the APHA standard.

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[1] Abt Associates: *American Prisons and Jails* (Washington, U.S. Department of Justice, October 1980)
Volume I: Joan Mullen, Kenneth Carlson, and Bradford Smith. *Summary Findings and Policy Implications of a National Survey.*
Volume II: Kenneth Carlson, Patricia Evans, and John Flanagan. *Population Trends and Projections.*
Volume III: Joan Mullen and Bradford Smith. *Conditions and Costs of Confinement.*
Volume IV: Richard Ku. *Supplemental Report; Case Studies of New Legislation Governing Sentencing and Release.*
Volume V: William DeJong. *Supplemental Report—Adult Release Facilities.*

[2] Mullen and Smith, Volume III, p. 42.

With all this groundwork laid, a responsible answer to the capacity problem becomes possible. In 1978, the state prisons had a "rated" capacity ("rated" by the haphazard methods mentioned above) of 243,500 "confinement units," occupied by 229,200 prisoners. [Volume III, p. 57] No cause for alarm in these naked and unadorned figures. But if the APHA standards are strictly applied, with measurements taken according to instructions, the capacity of the state prisons in 1978 was only 200,200. By the first measurement, our state prisons were at a fairly comfortable occupancy level of 94 percent. By the APHA standard, occupancy was 114 percent. The range around that national figure ran from 90 percent in the Northeast to 138 percent in the South.

But I haven't yet dealt with the most disturbing data. Dormitory space was considered in terms of a distribution of occupants as follows:

One prisoner
2-10 prisoners
11-50 prisoners
More than 50 prisoners

Experienced custodial officials will find this distribution rather silly. A dormitory with only one prisoner is a contradiction in terms. As the numbers of prisoners to be assigned to a dormitory increase, so do the problems; any dormitory with more than 25 prisoners of medium custody may become explosive on occasion. With my own eyes I have seen dormitories with over 250 maximum security prisoners in which the problems so defied resolution that those in nominal charge and the prisoners resigned themselves to a condition of contained chaos. Anything went behind those locked doors, anything except a guard.

In 1978 a total of 83,655 state prisoners lived in dormitories. Of that total, 52 percent lived in dormitories housing more than 50 prisoners. That situation is bad for prisoners of any custodial classification. What appalls me is the realization that in many prisons maximum custody convicts are housed in such dormitories with virtually no night-time supervision. The Abt investigators did not obtain a distribution of dormitory prisoners by custodial classification. That *any* maximum security prisoners are assigned to dormitories is one of the most shameful blotches on American penology. What is worse, is the expedient classification that reduces a genuinely maximum security convict to medium status so that he can be shoved into a dormitory when cells are no longer available. Worst of all is the indifference of administrators to the maintenance of realistic supervision when dormitories of this explosive kind are created.

All of the above leads to questions about the seriousness of prison crowding. In the best tradition of value-free social science, the authors remark that "crowding, however, is a subjective phenomenon." [Volume III, p. 83] The implication is inescapable that much more research must be done to assess the objective effects of crowding. I will predict that such research will some day be done, and that the effects will be found to be in the long range, minimal. I can picture, and so can you, those graphs with curves of occupants per 60 square feet on one axis and stabbings, rapes, and recidivism shown on the other axis. Statistical significance will not be found. After all, survivors of Auschwitz and Belsen have managed to resume a fairly normal kind of life in due course; why not survivors of those 250-man dormitories? Some policy decisions should be based on ordinary decency rather than awaiting the design of mountainous research to produce the customary molehill findings.

The Swelling Stream

Granted that prison overcrowding was bad enough in 1978 and worse in 1981, what are the prospects ahead? There used to be a body of comfortable opinion that once the youth explosion of the seventies had subsided into middle age, the Nation's crime patterns would change, perhaps rather rapidly. Fewer crimes of violence would be committed—after all, mugging is a young man's game—and fewer people would be coming to prison. More would be the persons convicted of crimes against property, and those could be mostly handled in community-based corrections.

If that trend is under way, the tracks have not yet appeared in the Uniform Crime Reports or in National Prison Statistics. Shrewd guesswork can account for the continued elevation of the volume and rate of crime, but planners would like to rely on a more solid foundation than guesses, no matter how shrewd. The main reason for the Abt studies was to discern the lineaments of the future. Will more prisons be needed? If so, how many? Where?

These were the questions that were the bread and butter of the Research Division of the California Department of Corrections when I labored there a good 15 years ago. With the redoubtable Vida Ryan presiding over our administrative statistics, the accuracy of our projections was close enough to sustain a reputation for usefulness that our other achievements did not always match. To achieve projections that made serious planning possible, many factors had to be considered. There was one limiting factor: From year to year the number of persons incarcerated per 100,000 in the general population would not vary by many points. The rules of the game have been changed with the introduction of the Determinate Sentencing Legislation and California is going into a mysterious future in which the projections of population increases are not always going to be as reliable as they used to be.

But the Abt Associates hew closely to common sense in trying to answer the urgent questions that Congress posed to them. Three sets of assumptions constituted the basis for three different projections. Projection I assumed that there would be a rough balance between the capacity of the prisons and the number of prisoners. New prisons would be built but they would replace obsolete capacity rather than expand it. Generally some overcrowding would be tolerated, but there would be a tendency to limit commitments to a volume that fit the general definition of the fraction of the population that would be defined as socially deviant. [Volume II, pp. 68-69]

Projection II was based on the certainty that there would be some sort of understandable relationship between admissions and releases, although the specific arithmetical relationship might be difficult to specify. [Volume II, pp. 69-70]

Projection III was built around the recognition that admissions would approximate the 1976 level, and that releases during the years 1977 through 1982 would equal admissions, lagged by about two or three years—the average duration of a prison term. [Volume II, pp. 70-71]

The projections were computed for the period 1979-1983. The predictions based on Projections I and II led to expectations that there would be a growth rate in prison populations of about 4 percent annually, (Projection I) to 5 percent (Projection II). Projection III led to a prediction of a stable state. [Volume II, p. 79]

The Abt investigators tried out correlations between economic and social trends and the fluctuations of prison population. A study of the populations at risk (that is, the 20- to 29-year-old segment of the population) produced confusing results. Between 1960 and 1978 the ratio of prisoners to the segment of the population declined in Iowa, increased in South Carolina, and fluctuated in Illinois. But nationally, the trend was rather stable, suggesting that for reasons nobody can explain, the state incarceration rates cancel each other out. [Volume II, pp. 46-48]

There was a correlation between unemployment and prison commitments, without any intervening correlations between unemployment and the crimes actually committed. The trouble with this correlation is, as the authors drily suggest, that "unemployment is not much easier to project than prison intake." [Volume II, p.52] Hindsight in this matter is a great asset to the social pundit, but of little use to the statistical forecaster.

The indicator that most interested me was the relationship between changing capacity and population. It is an article of faith among the advocates of a moratorium on prison construction that empty cells are filled, and that the increasing prison population can best be explained by the increasing capacity to lock up prisoners. The authors put this assumption through a mathematical analysis and wound up with the following cautious conclusions:

"1. Capacities do not appear to be changed more often in crowded conditions than at other times;

"2. additions to rated capacity are filled by the second year after opening additional space;

"3. within five years, the occupancy of the new space averages 130 percent of rated capacity." [Volume II, p. 58]

What do these conclusions mean? Carlson and his coauthors refuse to make a judgment as to whether it is socially desirable to continue with the spiral from equilibrium through intolerable overcrowding to a new equilibrium—the spiral that moratorium advocates denounce as a vicious waste—and content themselves with the value-free conclusion that, "What we can say is that there appears to be evidence that a decision to build more prisons seems to imply a decision that there should be more prisoners." [Volume II, p. 107] In that value-free and ever so carefully hedged sentence everyone can find a comfortable area of agreement.

These data and the projections constructed from them go back to 1978. Carlson may have been cautious about his interpretations but caution was flung aside when he methodically made projections from those data, using Assumptions I, II, and III. As I write this report, the data most immediately available to me are those of the Texas Department of Corrections, where tent cities now accommodate an unceasing flow of convicts that has brought the Texas prison population to the unprecedented level of 31,000. According to Carlson, if the Capacity Model for projection were to be used, the 1981 Texas prison population should not exceed 25,586; the Capacity Model is off by about 21 percent. A Linear Growth Model fares worse: our prison population should not exceed 24,315; the error is about 27.5 percent. The Intake-Release Model produced a high projection of 26,717; the error is about 16 percent. [Volume II, p.151]

The Mid-1981 Report of the Bureau of Justice Statistics shows that Texas is not alone.[3] Although we lead the Nation in absolute numbers of prisoners, our rate of growth, at 7.2 percent, was little more than half of the national rate of 12.4 percent. State prisons held 323,385 convicts as of 30 June 1981, as compared with the 1978 figure, used by the Abt group, of 229,200. It is obvious that factors are at work on the prison population problem that are not susceptible to statistical analysis and projection.

So what use is the projection process, anyway? I think Carlson and his colleagues have put the matter very well; there are three important values to be gained from keeping at this exercise. First, those who make policy can have a fuller appreciation of the forces that make for change in prison populations and a better appreciation of the points at which change can be brought about—as for example, the uses of parole decisionmaking and good-time statutes in reducing population. Second, we have some sense of the range within which populations are likely to move and a better idea of the consequences of changing patterns in decisionmaking. And third, we can have some notion of the variables that should be monitored in building a warning system to alert us to pressures that impend but which are not upon us yet. [Volume II, p. 94] The use that we would like to make of the immense amounts of data that we annually accumulate on the criminal justice system—the precise prediction of future prison populations—is simply not available now, and as long as the discretionary factors in the administration of justice operate as they do, we are not going to be satisfied by the statisticians.

The New Justice and the Prisons

The third question posed by Congress had to do with the effects of determinate and mandatory sentences on the future populations of the country's prisons. A good question, and one which has worried everyone working in the criminal justice system. Before our eyes, a drifting revolution is taking place. We are uncertain of its outcome, we are even more uncertain of what outcome we want, but for many critics of the system, whether from liberal or the conservative end of the continuum of discourse, almost anything we might try would improve the present shambles.

Richard Ku, the author of Volume IV (Case Studies of New Legislation Governing Sentencing and Release), made five detailed analyses of the innovative legislation that has been enacted in Florida (a "felony-firearms" mandatory prison sentence); in California (Determinate Sentences); Indiana (another version of Determinate Sentences); Minnesota (the Community Corrections Act, concerning which I have reported in an earlier issue of Federal Probation); and Oregon (the Parole Matrix). It is not surprising that he was unable to arrive at a firm conclusion about the effects of reduced discretion in the sentencing process.

The Florida law expressed a determination to get tough with felons who commit crimes with guns in their hands. A mandatory minimum sentence was required whenever a convicted defendant was found in possession of a firearm at the time of the commission of his crime. For the most serious crimes, of course, the minimum to be served would be much more than 3 years. In Ku's study of the effects of this law, two features stood out. Not many Florida citizens knew of the law's existence, and there was nothing to negotiate in the more serious crimes. In the less serious crimes, the felony-firearm statute was rarely invoked. Ku could find no evidence that this statute had any effect at all on prison population. That was in 1978, when the Florida prison population totaled 17,009; as of the Midyear 1981 report, the population is now 21,579. There is no way of knowing from the latest figures whether getting tough is a policy that is getting anywhere is Florida.

The Determinate Sentencing Legislation (DSL) in California has been the subject of a report in this column last year. Ku had only 1 year's data to guide him, and anything said had to be tentative. Some of the alarming predictions of an immense growth in the prison population proved to be unfulfilled, but it turned out that a lot of offenders who would formerly have received probation were now serving short prison sentences. The Department's own analysis of the prospects for the immediate future were disturbing; the projection was from an actual 17,747 on 30 June 1978 to 23,550 on 30 June 1982. The actual figure on 30 June 1981 was 26,792. The capacity of the system in 1978 was 22,810. These data speak for themselves, but there will be differing interpretations of the message. Between Proposition 13, which surely accounted for the influx of short-termers, the DSL, a situation has been created in California that is getting much more difficult than any that have been heretofore encountered.

In Indiana, more flexibility was built into the Determinate Sentencing Law, and that was a good thing, too, because there seemed to be a lot of conflicting expectations of its eventual effects. Todd Clear and his associates concluded their analysis of the legislation with a memorable summary: "In the eyes of one interest group or another, the new Indiana Penal Code is variously expected to increase deterrence, increase humaneness, decrease discretion, increase prison populations, make penalties more appropriate to the offense, equalize penalties, reduce arbitrariness, increase public protection, increase system efficiency, reduce harshness and reduce leniency. Someone is bound to be disappointed."[4]

Ku had only a year's data to study, and the results were fairly reassuring. The number of admissions to the prison system had not risen, and the time served had dropped slightly. [Volume

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[3] Bureau of Justice Statistics Bulletin: Prisoners at Midyear 1981." (Washington, U.S. Department of Justice, September 1981)

[4] Quoted in Volume IV, p. 9.

IV, pp. 83-84] The 1978 population was 3,814. On 30 June 1981, the total was 7,614, and growing at an annual rate of 15 percent. In a prison system with an antiquated physical plant and very little for the prisoners to do, this result must certainly have disappointed a lot of advocates of the new penal code.

The approach in Minnesota was much more intricate. It was agreed that certain very serious crimes had to be punished severely, but the legislature also adopted the position that the less serious offenses should be punished locally. This principle was at the heart of the Community Corrections Act of 1973. There is good reason to believe that it has been generally followed, so far as the principle itself goes. What happened to confound the planners and the well-wishers was a deceleration of paroles, such that the population rose from 1,276 in midyear 1974 to 2,003 in midyear 1977—and that in spite of a sentencing commission bound to create guidelines partially based on a recognition of the capacity of state prison facilities. Last year, the parole board was abolished in Minnesota, and the guideline process appears to be working well; in midyear 1981 the population was 2,063, a comparatively trivial accretion. Adjustment of guidelines to the physical capacity of the prisons surely is no panacea, but it must be a better contribution to penal realism than some of the nostrums that have been successfully peddled to our state legislatures.

The Oregon plan was based on the "just desert" concept of sentencing that Andrew von Hirsch has been urging.[5] As a result of the familiar penal bind—something *must* be done about overcrowding, and something *must* be done about the lenient sentences that offenders are receiving—the whole sentencing process was overhauled. The legislature created an Advisory Commission on Prison Terms and Parole Standards consisting of the five members of the Parole Board and five circuit court judges, chaired by the legal counsel to the governor. The Advisory Commission was charged with designing guidelines to govern the length of prison terms. It proceeded to adopt the guidelines used by the Federal parole commission, with the important modification that instead of relying on a statistical analysis of past practice, as the United States Parole Commission has done, the Advisory Commission tried to relate the length of terms to 'just desert" reflecting society's norms. Ku does not make clear how this difference was operationalized, but the matrix that results has a strong family resemblance to the Gottfredson-Wilkins-Hoffman model.[6] Down the Y-axis there are seven categories of offenses ranging from least serious at the top to most serious at the bottom. Across the X-axis are four categories of risk-assessment scores ranging from 11-9, "excellent," to 2-0, "poor." Any offender can be located on this matrix and his proper time will be found in the proper square with a minimum and a maximum expressed in months, and slightly reduced terms for offenders 21 years of age or younger. Parole board members may deviate from the matrix for good cause, as for example, severe emotional disturbances, serious disciplinary infractions, and an inadequate parole plan.

So far, so good. The conclusions drawn by Ku are that on the evidence available in 1978 the prison population increase had abated, but not enough experience had accumulated with parole revocations to be sure that the abatement would hold firm over the years to come. In the final analysis, Ku thought, the recommendations of the Advisory Commission "may prove to be the most significant determinant of prison population."

A little more time has passed. The population of Oregon's prison system in midyear 1978 was 2,505. In midyear 1981 it was 3,062, a decline at the annual rate of 5.6 percent from the figure at the end of 1980.

WHAT KIND OF A NATIONAL CORRECTIONAL POLICY?

For several years Allen Breed, the director of the National Institute of Corrections, has been urging the creation of a national correctional policy. He has scrupulously avoided recommending specifics for inclusion in such a policy, but he has also indicated his aversion for the haphazard aggregation of speculations, public fury, cynical negotiations in legislatures and prosecutors' offices and the various other elements, both idealistic and discreditable, that pass for such a policy now. If we are to get tough, how tough and with whom? If too many offenders are locked up in prison, should we release that part of the surplus that is least dangerous or least obnoxious and keep on the really violent specimens—and how shall we decide how long these specimens shall be kept? Or should we just keep on building more prisons so that those men and women sent to incarceration by the courts will at least be kept in tolerable physical conditions?

In past years, one could always evade decisions on these and similar questions by invoking the old refrain—"more research is needed. . . ." We now have that research, and there ought to be a subcommittee of every judiciary committee in the land considering its implications for corrections in each state. It is at least possible that many states may find that disaster can be averted without much capital outlay if a more rational structure of sentencing guidelines can be instituted. Other states must renovate, rebuild, and expand, even if enlightened guidelines are adopted. Making constructive use of the patterns of analysis employed by the Abt investigators should lead to an understanding of the policy directions we must take if those arithmetical imbalances of population and capacity are not to be underlined by gunfire and corpses.

More research is still needed. Those models should be kept up to date; projections should be checked against realities; the impact of sentencing innovations should be kept under continuing scrutiny. There is more to be done; one must hope that somewhere in Washington someone is thinking hard about the priorities in criminal justice research and arriving at the right answers.

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[5] Andrew von Hirsch. *Doing Justice: The Choice of Punishments.* (New York. Hill and Wang. 1975)

[6] Don Gottfredson, Leslie T. Wilkins, Peter Hoffman. *Guidelines for Parole Decision-Making.* (Lexington, Massachusetts. Lexington Books, 1978).

Looking at the Law

BY JUDD D. KUTCHER AND LISA A. KAHN

General Counsel's Office,
Administrative Office of the United States Courts

Legal Responsibility: Warn School?

A probation officer wondered whether he needed to alert a local college about the prior criminal conviction of a probationer who was a doctoral candidate in chemistry. The individual had been convicted of manufacturing lysergic acid and hashhish (tetrahydrocannabols) for his personal use from chemicals that were available to him while he was employed in a technical position with the Naval Surface Weapons Center. Apparently, the probationer would have access to certain chemicals during the course of his graduate studies.

The Legal Responsibility Regulations (found in the Probation Manual) note that a probation officer has a duty to warn specific third parties of a particular prospect of physical or financial harm which the officer "reasonably foresees" the probationer may pose to such third parties. In determining whether such a duty arises in a specific case, the probation officer must first consider whether there is a risk to a third party. If so, then the officer would consider the foreseeability of the risk. Provided the officer concludes this risk is "reasonably foreseeable," the officer must evaluate whether the possible harm that may result outweighs the possible jeopardy to the probationer's rehabilitation program—in this case, the probationer's schooling.

Here, the fact that the probationer's drug offense was for his *personal use*, might suggest that the Legal Responsibility Regulations would *not* require a warning, because there would be no injured third party. Assuming there is a reasonably foreseeable risk that the probationer would repeat his crime, the direct risk of financial or physical harm to the school's officers or fellow students is remote, in the context of the risk of the probationer selling them drugs.

There is, of course, another way to look at the same facts and conclude a warning would be necessary. The school could be considered an injured third party. The school could be financially injured in two ways if the probationer gives in to the temptation to again use available chemicals to manufacture illegal drugs for his personal use. First, the school would suffer the loss of these chemicals. Second, if the probationer is caught and prosecuted the school's reputation could be seriously damaged.

The crucial issue here, however, is *not* whether a warning should be given. As the above discussion reflects that is a judgment call about which one could reasonably reach differing conclusions. The critical requirement is that the officer evaluate the issues and document this process. Regardless of the judgment, the officer's obligation would be met.

A separate but related issue is general supervision of the probationer. If the officer concludes the Regulations require no warning, there may be other supervision actions required. Given the probationer's access to chemicals, and the temptation inherent in such access, it may be appropriate to ensure that the probationer come up with a means of assuring his probation officer that he will not use this access for an illegal purpose.

Probation Violation During Parole

Where does jurisdiction for an individual's violation lie in the following circumstances? The individual commits an undiscovered crime while on parole, prior to the commencement of his probation. Later, while under the court's supervision as a probationer, the offense is discovered. Since he is presently under the court's supervision and jurisdiction, authority to act on the violation lies with the Federal court, not the Parole Commission. As Legal Opinion No. 2 (see *Guide to Judiciary Policies and Procedures*, Vol. X-B, Chapter 11 at page LO-3) provides, a court can revoke probation for conduct which occurs *prior* to the commencement of the probation period. *See e.g., United States* v. *Tucker*, 524 F.2d 77, 78 (5th Cir. 1975), *cert. denied*, 424 U.S. 966 (1976); *United States* v. *Ross*, 503 F.2d 940, 942-43 (5th Cir. 1975).

Probation Violation: Court's Jurisdiction

What about a probation violator warrant which the court issues after expiration of the initial period of probation for a violation occurring during the initial period of probation. Assuming the warrant is issued within the maximum 5-year probation period, the warrant is a valid exercise of the court's probation jurisdiction under 18 U.S.C. § 3653.

The language of § 3653 is quite clear on its face:

> At any time within the probation period, *or within the maximum probation period* permitted by section 3651 [five years] of this title, *the court . . . may issue a warrant for his* [the probationer's] *arrest for violation of probation occurring during the probation period*. (Emphasis added.)

The leading cases concerning this question agree that the express words of the statute demark the court's jurisdiction to arrest a probationer. *See e.g., United States* v. *Swanson*, 454 F.2d 1263 (7th Cir. 1972); *United States* v. *Fontana*, 510 F. Supp. 158 (W.D. Pa. 1981). But *see United States* v. *Strada*, 503 F.2d 1081, 1084 (8th Cir. 1974).

According to the Seventh Circuit in *United States* v. *Strada*, the sentencing court must issue a violator warrant during the initial period of probation, or *immediately thereafter*, rather than during the duration of the 5-year period. *Strada* offers no explanation for the conflict between its view and the express language of § 3653. Also, the *Strada* view would preclude a court from acting where it was unaware of a probation violation occurring during the initial period of probation. No other circuit has followed the *Strada* view.

Presentence Report: Confidentiality Prior to Conviction

A probation officer wondered whether his responsibility as a probation officer included reporting to the United States attorney relevant incriminating information where the following facts obtain: (1) a defendant has pled "not guilty" to charges of rape and assault with intent to commit rape; (2) review of his local mental health records reveals that the defendant had admitted to his mental counselor that he had committed the charged rape; and also subsequently committed a second rape; (3) the defendant had been charged with rape 4 years earlier; and (4) the defendant is presently out on bail.

Generally, a probation officer has *no* obligation to provide law enforcement authorities with information which comes to his or her attention in the preparation of a presentence report. The officer's duties under 18 U.S.C. §§ 3653 and 3655 are to report any relevant information concerning the defendant *to the sentencing court*. The court would then have the responsibility to take appropriate action with respect to reviewing the bail status of a defendant, as well as determining whether the United States attorney's office should be apprised of any incriminating statements which the defendant had made.

The only applicable criminal statute is 18 U.S.C. § 4, misprision of a felony. If the officer provided this information to the sentencing judge, the misprision statute requirements would be met.

COMMUNITY SERVICE: SENTENCING LANGUAGE

In most cases the judge does not know which agency the probationer will be working for at the time of sentencing. The following sentencing phrase might be used:

> The probationer will work in a community service placement which the probation office will develop, subject to the court's approval or ratification.

After a community service program has been determined, the court can amend its sentence denoting the specific place, hours, and its approval.

An alternative to the above, would be a special condition in which the court at sentencing sets forth the total number of community service hours to be performed, and notes that the placement will be one approved by the probation office and ratified by the court. In this second approach the court would not need to enter an order amending the sentence. Instead, the court would simply have the clerk enter a reference in the docket sheet reflecting that it had ratified such and such community service conditions.

YCA/ABSCONDING

The YCA provides that a youthful offender must be discharged unconditionally on or before 6 years from the date of his conviction. 18 U.S.C. § 5017(c). This provision is not entirely absolute. If a youth offender absconds from parole supervision, the running of the 6-year period is tolled, that is, the computation stops as of the time the offender absconds. The running of the 6-year period would not start again until the youth returns to the Commission's supervision. The significance is that the Parole Commission's jurisdiction over the youth would be extended beyond the otherwise 6-year period. For example, if the youth absconds for 10 months, the Commission would retain jurisdiction for 6 years and 10 months. *Henrique* v. *U. S. Marshal*, 653 F.2d 1317 (9th Cir. 1981).

YCA/CONSECUTIVE ADULT SENTENCE

The Supreme Court has ruled that a sentencing judge can sentence a youth currently serving a YCA sentence to a concurrent adult sentence for a subsequent offense. In such circumstances, the youth loses his right to continued YCA treatment under the first sentence. Justice Marshall, writing for the Court, reasoned that the YCA statute did not intend to commingle promising YCA youths with youths whose misconduct had demonstrated their incorrigibility. *Ralston* v. *Robinson*, ________ U.S. ________ (1981) 30 Cr.L.Rptr. 1037 (12/2/81).

Reviews of Professional Periodicals

CANADIAN JOURNAL OF CRIMINOLOGY AND CORRECTIONS

Reviewed by VERNON FOX

"Transferring Trouble—The Initiation of Reactive Policing," by Birthe Jorgensen (July 1981). A citizen-initiated reaction police encounter includes a variety of interpretations as to what is involved in any situation. Whether a mobile police car is dispatched, whether another agency is called, or whether some other reactive response is made by police is dependent upon how the communications officer (CO) interprets the substance of the call. Some calls are definitely police work that lead to arrests, while others, such as noise complaints, may or may not be police work. Sometimes a patrol car is dispatched and sometimes other agencies may be contacted, such as the fire department, ambulance service, private security firms, businessmen, landlords, response to accident calls, and other types of calls. Some callers are "cooled down" during the call, itself. This study was an analysis of all calls involving the CO, dispatcher, and mobile officer in a 16-hour period in a large suburban police department in Central Canada. Of the 16 hours taped, 8 were monitored further by 5 observers in the communications room. The result was an analysis of 820 calls, 210 dispatches, and 53 resulting reports. Distinctions have to be made between "real police work" and the service work police are asked to perform and the allocations of police resources have to be considered. The study illustrated the dynamic nature of transferring trouble within organizational perimeters. The telephone and radio transfer of trouble is one more and an important factor to be considered in studies of police/citizen interaction.

"La déjudiciarisation des mineurs délinquants au Canada et les projets législatifs du gouvernement fédéral." by Jean Trepanier (July 1981). The law on juvenile delinquency in Canada is in its 63rd year and Parliament is still attempting to revise it. The McLeod Committee, formed in 1961, submitted its report to Parliament in 1965, but no action was taken at that time. The diversion provisions of the recent Young Offenders Bill, which was tabled by Parliament in February, raises some serious questions. Law C-61 is considerably detailed and covers a number of subject areas. In its present form, considerable discretion is allowed in the courts and among those handling juvenile delinquents. The primary concern in this paper is that diversion from the usual juvenile probation and commitment to institutions may bring more juveniles under control of juvenile authorities than would be under supervision in the traditional approaches. Formalized diversion may increase social control, rather than reducing it. If Parliament goes ahead with this law, it should acknowledge that, in many cases of juveniles, no action is better than court intervention and alternative measures of any sort.

"Is Capital Punishment a Unique Deterrent? A Dispassionate Review of Old and New Evidence," by Ezzat Fattah (July 1981). A review of the literature on capital punishment reveals that the deterrence argument is most frequently used in support of the death penalty. It "makes sense," it is more civilized than revenge and retribution, and the argument shows utilitarian rationale. Anecdotal stories tend to support it. Statistical evidence, however, does not support it. Historically, the murder rate tends to be stable in various countries, regardless of the death penalty. It defeats its own purpose in many cases where the presence of the death penalty results in more acquittals than would have been expected. Criminal homicide occurs in situations where rational consideration of consequences is precluded. The conclusion is that the death penalty is not a unique deterrent.

"Policies Toward Violent Crime: Alberta as a Case Study," by Jim Hackler and Laurel Gauld (July 1981). Violent crime is not concentrated where many people think it is. The smallest towns, rather than urban centers have the highest violent crime rates. Two errors society tends to want to make are the failure to lock up dangerous people until after they have committed a violent crime or locking up potentially dangerous people who would never commit a violent crime. Demands for justice and for effectiveness are sometimes incompatible, but some of society's activities can be described as "spitting into the wind." Western Canada appears to have more violent crime than Eastern Canada. In Alberta, the most violent crime occurs in the smallest towns, rather than in the larger cities. Homicides are frequently related to domestic disputes. Many "real" criminals are produced in families where violence is common. While a rational approach to justice decides on action after a crime has been committed, a more hopeful approach would be to consider preventive measures.

"Total Institutions and the Self-Mortifying Process," by Jim Homer (July 1981). Self-mortification is the loss of self-concept and self-esteem. The total institution refers to (1) all aspects of an inmate's life in the same place and under the same authority, (2) daily activity carried on in the presence of a large group of others, (3) activities tightly scheduled and under formal rules imposed by officials, and (4) enforced activities comprise a single plan designed to meet the official aims of the institution. The Twenty Statement Test (TST) was administered to 21 Anglo-Saxon first offenders in a federal penitentiary and were coded by Gordons 30 Category System. The three-wave design included administration in the provincial correctional center, again after entry to the penitentiary, and the third 8 weeks after admittance. The "shock" of admittance and the whole reception process as "degradation ceremonies" is in line with Goffman's concept of institutionalization and its self-mortification, although the whole process of self-mortification appears to be more complex than that posed by Goffman's *Asylums* published in 1961. There is only mixed support for the concept of self-mortification. Actually, self-esteem tends to increase, with less effect on self-concept. There tends to be a decrease in scope, change in content, lessening of confusion, and increase in self-esteem, and stabilizing of the scope of self. A larger study over a longer period of time was suggested as being worthwhile.

"Evaluation of an Attendance Centre Program for Male Juvenile Probationers," by John A. Byles (July 1981). The Hamilton (Ontario) Attendance Centre began in September 1974 as a community-based program for boys perceived by their probation officers as not being able to benefit from regular probation services and in danger of being institutionalized. The first such centre was initiated in the United Kingdom in London in 1950 and there were 60 such programs in England and Wales by 1960. The Hamilton Attendance Centre was started by the John Howard Society with the cooperation of the Juvenile Court and cooperation of the Probation and After-Care Office. The boys are required to attend the centre each weekday evening from 6:30 to 9:00 p.m. The first half-hour was unscheduled and the boys could read comic books or magazines, listen to records, or play various games. From 7:00 to 8:00, various individual goals were worked out with staff. The final hour was devoted to basketball or discussions. After entering the program, each boy had his needs evaluated and a "contract" to work toward goals was signed after the first week. About 5 to 15 boys were in attendance at any time for an average length of time of 11.2 weeks, although penalties were added for absences or other reasons. Formal evaluation began 1 year after the program was started. Unfortunately, the quasi-experimental design of evaluation leaves some interpretation of results to speculation. If the boys were headed toward institutionalization as predicted by the probation officers, then the program was successful. Only 4 graduates of this program later went to the institution, as compared with 8 in the control group. Even the most "severely delinquent" boys need not be institutionalized, but more effective means must be devised to help them in the community.

"As Long As I Can't See You Do It: A Case Study of Drug-Related Activities in Public Places," by Kenneth Stoddard (October 1981). This report describes drug-related activities in drinking establishments or beer parlors in a large city in the Canadian West. The author used the participant-observer approach to studying this phenomenon and wrote field notes on each of his visits to the bars, which form the basis of the study. The waiters in the bars could be arrested by Government Liquor Board inspectors or police if the drugs were observed, which would result in fines and unemployment. In one bar central in the study, marijuana was smoked and other drugs were sold rather openly. The consuming patrons tried to avoid observation by the waiters and the waiters tried to ignore the situation to avoid the appearance that they knew what was happening. The features of making "actual" concealment unlikely were openness in the physical setting so waiters would observe only handsignals by patrons who wanted another beer, giving the appearance of surveillance, and enforcing discretion, such as, "Don't let me see you smoking that." A new policy was instituted by management in the Summer of 1970 that rigidly discouraged the presence of "hippies" and drug-users. Various means were used to discourage them, including asking for identification in sometimes unreasonable ways, withdrawing cooperation by serious surveillance, and occasional "hassles." The result was that the drug-use and the patrons went elsewhere and the bar became patronized by older "straight" people who did not use drugs.

"Parole and the Violent Offender," by Jim Hackler and Laurel Gauld (October 1981). A cartoon appeared in the *Edmonton Journal* on March 27, 1980, depicting a stereotyped hoodlum armed with a blackjack chasing an innocent victim down the street, which tended to reflect the popular public opinion that the National Parole Board is soft on violent offenders. Offenders can be released on remission (time off for good behavior) and mandatory supervision, ordinary parole, and day parole and temporary absence. As of January 8, 1980, there were 9,237 inmates in Federal institutions and 62 percent were serving sentences for crimes of violence. Between 1975 and 1979, 134 murderers were released on parole. The success rate was similar to that of other parolees. Any new offenses tended to be for nonviolent crimes. It is difficult to see that the National Parole Board has been releasing dangerous offenders in a casual manner. In fact, the Board has been very cautious. More lenient parole policies may well avoid family breakdown, despair, and commitment to a criminal career, which would tend to reduce violent crime on a long-term basis. The public sentiment is not in keeping with more lenient policies because of fear of crime in the more immediate future.

"Prison Education and Criminal Choice: The Context of Decision-Making," by Stephen Duguid (October 1981). Decisions are generally made in the context of the material and cultural environment, to which education can contribute little. Education can affect the range or repertoire of analytical thinking skills and moral principles that comprise the inner context. The problem of free will or determinism is seen by the author as man exercising a kind of free will within the confines of a variety of background and environmental factors. People who see deviant behavior or crime as not being a moral question, but one of risk, may well take the risk. Successful educational programs are dependent upon two factors, the environment in which the program operates and the content and structure of the curriculum. They are inseparable in practice. There is convincing evidence that criminals are different from other citizens and that these are based on cognitive development and moral reasoning abilities. Prison education can change that "inner context" of decisionmaking that can result in significantly different behavior.

"The Treatment of Hostages in Prison Riots: Some Hypotheses," by Frederick J. Desroches (October 1981). In most prison riots in North America, inmates take guards and other employees hostage and threaten to kill them, but most are subsequently released unharmed. When the hostages are killed, it generally occurs in the initial stages of the riot. More hostages are killed by their "rescuers" than by inmates, such as at Attica in New York on September 13, 1971. Reasons for not killing guards include moral prohibitions, developing friendships or the Stockholm Syndrome that manifests itself after a period of time together, fear of repercussions, expectation of reward, and hostages as barter. Inmate undesirables (generally informers and child molesters) present none of the restraining factors afforded the guards. Inmates possess greater hostility toward inmate undesirables than toward the guards.

"Research on the Confinement and Treatment of Unfit Defendants: Implications for Decision Makers," by Ronald Roesch (October 1971). In its report on Mental Disorder in the Criminal Process, the Law Reform Commission of Canada has recommended that the power to determine the disposition of a defendant found to be unfit to stand trial no longer be delegated to the Lieutenant Governor of the province, but should be made by a trial judge. A person is unfit if, because of mental disorder, he (1) does not understand the nature or object of the proceedings against him, (2) does not understand the personal import of the proceedings, or (3) is unable to communicate with counsel. There is need to determine the limits on length of commitment and to determine how the judges would reach their decisions. Much research needs to be done in this rather hazy field of legal processing these offenders unfit to stand trial before these cases can be handled with assurance and confidence.

"An Evaluation of Farmers' Attitudes Towards a Tobacco Work Release Programme," by Craig L. Boydell, Julie B. Startup, and James J. Teevan (October 1981). In the past decade, there has been an acceleration of programs in corrections involving participation of private citizens in the treatment of offenders in the community. Since 1976, inmates have been used to harvest tobacco in Southwestern Ontario from early August until October, with 7-day weeks not uncommon. Questionnaires and indepth interviews were held with two groups of farmers: (1) all eight farmers who participated in the work release program and (2) a group of neighbors who did not participate. The farmers focused on the utilitarian aspects of the program quite positively, but were not particularly concerned with rehabilitation or social issues. About half the neighbors thought that inmates could fill periodic labor shortages at any time. Economic benefits to the community appear to be the real basis for community-based programs.

"Professors of Justice Are Out of Practice," by Andre Normandeau (October 1981). College and university professors should take field training every 2 or 3 years to keep them in contact with the field of practice. In this field, responsibilities go beyond teaching, research, and publishing, so that the "publish or perish" approach in many fields is not sufficient in criminal justice. The "nothing works" attitude can be corrected by participation. Secondly, the lack of personal involvement in community activities leaves professors isolated. "God the father" (government) will not do the job. Concrete actions and the theoretical and research reports must be blended.

THE BRITISH JOURNAL OF CRIMINOLOGY

Reviewed by HARRY W. SCHLOETTER

"The Perfect Crime" (October 1981), by Stanley L. Brodsky, Martha L. Bernatz, and William B. Beidleman (October 1981). This article devotes itself to a study of the phenomenon of the person who pumps gasoline into his automobile tank, and "drives away" without paying for it. Because of the huge rise in self-service gas stations in the United States, this offense has taken on new and increasing interest for law enforcement. The authors feel that the act of driving away without paying for gasoline has several elements in common with shoplifting: property crimes committed by individuals against retail establishment and offenders making use of both legitimate access to the criminal activity and their legitimate status as customers to conceal their criminal activities.

This report describes three preliminary studies of the drive-away problem which include an examination of the experiences and perceptions of service station attendants, oil companies, and students.

Some of the findings of the study are as follows: (1) Like shoplifting, driving-away is committed by individuals who do not consider themselves criminals. (2) The offender's major source of income and status is through noncriminal activities. (3) There is little tendency on the part of the offenders to feel guilty about the act if they are not detected. (4) There is little tendency on the part of the general public to stigmatize apprehended offenders as criminal.

The discussion continues on how the oil companies have mobilized their efforts to combat this particular offense. The article, even though short, has much interesting and useful information.

"Sentencing the Football Hooligan," by Eugene Trivizas (October 1981). This well-written article explores "Football Hooliganism" as an area of deviant behavior which produces extremely strong emotional responses. Both the public and press urge and demand severe penalties to curb this type of misbehavior which occurs during football crowd events. This paper reports on research carried out with the objective of ascertaining what sentences are imposed by the courts and whether the offenders are treated more leniently, more severely, or in the same way as people who commit the same kind of offense in circumstances other than football matches.

Criminal statistics compiled by the Home Office did not provide adequate data, so information from Scotland Yard, Pearl House, and several Metropolitan police stations was obtained. Substantial tables are provided the serious reader and the author's conclusions are well documented. A comparison is drawn between a football crowd and a political crowd, and sentencing patterns. For an indepth view, I recommend this article be read in its entirety.

THE INTERNATIONAL JOURNAL OF THE ADDICTIONS

Reviewed by DAVID M. PETERSEN

"Effects of Intensive Counseling on Client Outcome in a Methadone Maintenance Program," by Ernest E. Kuncel (April 1981). This report examines the effect of the intensification of rehabilitation services in an existing methadone maintenance treatment program. This program evaluation includes a description of the establishment of organizational objectives (treatment goals), the strategy used, and the formal and informal procedures employed to implement specific changes in services. The guiding hypothesis for the study was that intensification of rehabilitation services would contribute to the achievement of treatment goals. In addition, it was assumed that resolution of negative climate reflected by the program staff would positively contribute to the achievement of treatment and organizational goals. The following variables were identified to test the above hypothesis: (1) regularity of keeping counseling appointments; (2) employment and training; (3) dosage of methadone; (4) chemical abuse; and (5) changes in life-style. Data specific to counseling services and treatment goals were gathered and analyzed over a 14-month period for 35 subjects enrolled in the treatment program. There was a significant tendency of the variables to increase over the 14-month time period. The strongest trends were toward: (1) a lower dosage of methadone per client; (2) a progression toward achievement of drug-free life-style changes among clients; and (3) a progression toward more frequent attendance of counseling appointments. Furthermore, the reduction of chemical abuse is correlated with regularity of keeping appointments, which lends support to the positive effects of counseling on reduction of chemical abuse. Implications from the study for staff training and clinical procedures are provided.

"Women Alcoholics: Prevalence Estimates and Their Problems as Reflected in Turn-of-the-Century Institutional Data,"

by Mark Edward Lender (April 1981). This report examines a number of early prevalence estimates of alcoholism among women and comments on their utility in assessing the magnitude of drinking problems in women near the turn of the present century. The intent is to provide a "benchmark" that might be useful in gauging the growth of these problems since. Prevalence studies of women alcoholics first appeared in the late 19th century and between 1884 and 1912 data on more than 24,000 institutionalized alcoholics revealed male-female patient ratios ranging from 3:1 to 9:1. These estimates suffered from some of the same difficulties that are inherent in modern prevalence studies. The sex ratios are challenged as not being typical of the general alcoholic population primarily on three grounds: (1) most of the alcoholism facilities of the day were constructed and operated primarily for men and few admitted many women; (2) there is evidence that women shunned public institutions and whenever possible sought treatment with personal physicians or at private facilities (the hidden alcoholism phenomenon); and (3) insitutional reports did not accurately reflect women from all socioeconomic groups. These data problems are largely unresolved today and the securing of reliable prevalence information on women alcoholics remains a troublesome matter for both the social historian and the modern alcohol researcher. Nonetheless, this report is helpful in that it has implications for future study. In the first place, if for no other reason, it is worth knowing that issues in the measurement of prevalence such as hidden alcoholism and socioeconomic status have been problems for almost a century. Future research will have to take these variables into account. Secondly, comparisons of modern data with these old reports can also serve to illustrate how new findings have altered perceptions of alcoholic women. Finally, it may be possible to utilize this historic data as a first step in assessing changes in prevalence over time.

"Multiple Drug Abuse Involving Nonopiate, Nonalcoholic Substances. II. Physical Damage, Long-Term Psychological Effects and Treatment Approaches and Success," by Alice B. Kornblith (April 1981). This paper is an examination of the existing literature in terms of the consequences of multiple drug abuse involving two or more drug categories where at least one is a nonopiate, nonalcoholic substance (MDA-NONA), including the possible physical and psychological damage and treatment approaches and success. Evidence is scarce concerning physical damage resulting from MDA-NONA abuse and what is available is equivocal. The data suggest that sedative-hypnotics were the culpable agent for neuropsychological problems in this group. Amounts of alcohol, marijuana, amphetamines, and hallucinogens, primarily LSD, have been associated with long-term psychological disturbance, many abusers of these drugs who develop psychoses have been documented to be emotionally disturbed prior to drug usage. This suggests that these substances exacerbate a prepsychotic condition, whereas other abusers have no such history, indicating a drug-induced psychosis. Current treatment approaches for the MDA-NONA abusers appear to be ineffective, as indicated by poor retention rates in keeping this population in treatment and their successive relapse to drug use. Recommendations for treatment of the MDA-NONA abuser are provided.

"An Examination of the Relationship between Crime and Substance Use in a Drug/Alcohol Treatment Population," by Bradford T. Greene (May 1981). The purpose of this paper is to identify the patterns of criminal activity for a drug/alcohol treatment population and to examine the relationships, if any, between patterns of criminal activity and drug/alcohol usage. The study hypothesizes that criminal activity can be differentiated by the type and extent of drug usage. Specifically, it is expected that: (1) Drug users in general should commit more victimless crimes than crimes against person or property; (2) marijuana users should be involved in less criminal behavior than alcoholics or heroin addicts; and (3) alcoholics are likely to be more involved in crimes against persons than are other drug users and heroin addicts, crimes against property. Data for the study were collected during 1975 and 1976 under the National Drug/Alcohol Collaborative Project on 1,544 substance users being treated in 10 combined treatment centers scattered across the country. As evidenced in this study, a sizable number of patients have a history of involvement in crime. Most of this involvement is in the area of victimless crime, such as narcotics possession, disorderly conduct, and drunkenness. There is some overlap in the types of crimes that are committed; that is, person, property, and victimless crimes are moderately intercorrelated. Person crimes and victimless crimes are less likely to be commited by persons under the influence of drugs than under the influence of alcohol. Property crimes are more likely to be committed to support a drug/alcohol addiction than are person or victimless crimes. The data reveal that a majority of arrested addicts or alcoholics began their criminal behavior before they began using drugs on a regular basis. However, the fact that a large portion of these addicts/alcoholics started using a substance during the same year as they started their criminal behavior, the type of drug, especially when considered in conjunction with the age, race, and sex of the offender, is partially related with crime. The relevance of these findings to the treatment of alcoholics and drug users in the same treatment setting are presented.

"Marijuana Use and Alienation: A Multivariate Analysis," by Alfred C. Marianne (May 1981). Although the relationship between marijuana use and alienation has been a topic of continuing popular and academic interest, there is very little consensus in the empirical studies which are characterized by conflicting findings. Although a number of potential explanations for this lack of consensus are addressed, the primary focus of this research is on the type of analysis employed. This study attempts to assess the relationship between marijuana and various indices of alienation within the context of a multivariate design. As both marijuana use and alienation have been found in previous research efforts to be significantly related to such factors as sex, religious affiliation, family structure, parents' socioeconomic status, and so on, the relationship between marijuana use and alienation is assessed while holding constant these other relevant factors. Data were collected from 766 college students in the fall of 1975 at a large southwestern university located in a metropolitan area. Using bivariate analysis, significant positive associations were found for this sample for three indices of alienation (anomie, political alienation, and social isolation). However, when these same relationships were examined in a multivariate design, controlling for other relevant factors as mentioned above, they failed to remain significant. Stated differently, the bivariate results "washed out" when other relevant factors were introduced into the analysis. These results indicate that there is no direct relationship between marijuana use and alienation. In addition, the results call into question those previous studies which have not taken into consideration relevant control variables in their analyses. Policy implications of this research and suggestions for further research in this area are provided.

CORRECTIONS MAGAZINE

Reviewed by Omar G. Rios

"Guard Stress," by Ralph Gardner, Jr. (October 1981). On-the-job tension can lead correction officers to brutality, alcoholism, and to divorce. This article focuses on the work of sociologist Dr. Frances Cheek, who, since 1977, has trained the majority of New Jersey's 2,275 State correction officers and more than 1,000 officers from county jails, in methods for coping with the stress of working as a correction officer. Other states that have set up programs for correction officers that would help them to cope with stress are South Carolina, Florida, Mississippi, Indiana, New Hampshire, Missouri, Kansas, Ohio, Oregon, and New York. The lead has been from unions to obtain stress training for their members. In many corrections systems, however, little is being done.

The inability to cope successfully with every-day prison work related stress is seen in high incidence of sick leave, absenteeism, hostility, employee turnover, early retirements, and in employee outbursts that provokes a major incident. Until recently, most of the problems in prisons were focused upon the inmates.

Research by Dr. Cheek and her associate, Marie Miller, revealed, after examining 143 New Jersey correction officers, that for certain symptoms of stress, such as heart attacks and migraine headaches, the rates were higher than for police officers. Correction officers denied to themselves that they were under stress but they perceived their fellow officers to be subject to a great deal of stress.

There is inherent stress in the nature of a correction officer's job and it is worsened by conditions such as overcrowding, antiquated facilities, overtime, and low pay. Another significant cause of stress is the guard's perception of his job. The role of the correction officer is ambiguous, can have ill-defined objectives and lines of support, and is perceived as having little hope for improvement.

Dr. Cheek teaches constructive ways to relieve stress. She says that burned-out officers are hostile. Specific examples that officers give her that cause burn-out are: working without promotion, being told what was done wrong and not what was done right, and that incompetents get the good jobs because the good officers can best handle the tougher jobs.

Negative coping techniques are coffee, cigarettes, and alcohol. Positive coping techniques include taking time off, hobbies, and physical exercise, which includes relaxation exercises. Officers are also taught to control tension through imagery, are taught assertiveness, taught how to listen and are taught proper voice control.

A questionnaire sent for the National Institute of Justice to prison officials in all states discovered, from the responses, that the stress factor most often mentioned was government bureaucracy. What some states are doing in the area of stress training is discussed, and these programs at prisons around the Nation show varying degrees of commitment.

"Does Community Corrections Work? From the Experts, a Resounding 'Maybe,'" by John Blackmore (October 1981). Community corrections has offered an attractive and consistent ideology. Their proposition has been: "Most offenders could be dealt with more effectively, and more economically, in their own communities than in prisons or jails." This philosophy seemed logical, however, the idea had not been tested. Social scientists were asked to confirm what community corrections thought they already knew.

For the past 15 years, the community corrections movement has been intensively studied. The results of the research, according to the experts are, in general, ambiguous and contradictory. No clear, forceful or consistent findings emerge from what good research has been done. Most of these good studies conclude that community programs are not effective at reducing recidivism. No individual program or strategy has emerged as being more successful than any other in bringing about long-term change in offenders. Very little research has been done to determine which offender poses a threat to the community, if placed in community corrections programs.

In 1974, the late Robert Martinson, suggested that no correctional program could prove that it worked. Rehabilitation programs became suspect and that suggestion spilled-over to community programs. Advocates of community programs counter by saying that there is also no evidence to show that community corrections programs do not work. When the research findings are compared with those on prisons, it appears that community corrections does no worse than other available options and community corrections does not look so bad.

The quality of research on community corrections has contributed to the following problems of evaluation of their findings: "Poor research design, the lack of adequate controls, the vagueness of the criteria for correctional success, and the legal and ethical constraints involved when using corrections clients in experimental research. One of the most serious problems is the conflict of interest that results when a program operator is asked to evaluate the success of his own program. This often leads to biased research and exaggerated claims."

Adhering to sound research design is an often repeated criticism of criminal justice research. There is a vested interest in this area of corrections. The advocates of community corrections may come up with a different evaluation of studies and their interpretation may differ from the research data. Despite the shortage of reliable data, there has not been a slow-down in the community corrections movement. John Conrad suggests leadership by someone who can come up with coherent ideas of what can be done and someone who can get people thinking.

PROBATION JOURNAL

(England)

Reviewed by HAROLD W. KELTON

"Motor Projects," by Randel Barrows and Richard Wahl (March 1981). Young people who have committed a crime related to the automobile are common on the customary probation caseload. Traditionally, an effort was made to put obstacles between this type of offender and vehicle access and use. It is now the fashion (in Britain) to have such offenders join, as an adjunct of their probation, a "motor project" or club. Clubs, organized by probation officers, utilize police, trade unionists, and industry workers as advisors and offer members (offenders) an opportunity to become deeply involved in automobile mechanics and racing and weekend excursions. Some thought is given to the psychosociological ramification of auto related crime, but the underlying justification for the auto club as a correctional method is simple: It is interesting to the probationers; it meets the requirements of a good supervision program; and it may help probationers to understand their problem. Club membership provides needed excitement but provides a way of teaching safe driving habits, care of machinery, and general social skills. To avoid problems of insurance, clubs can confine their activities to "off street" events.

There is, at this point, no way of knowing the real effectiveness of the auto project as a correctional tool. In theory the clubs guide "vehicle offenders" away from criminal pastime by providing a more satisfying alternative. This category of young offender does seem to be interested.

References and an address for obtaining information for "Starting up a Motor Project" are provided.

"A CSV Placement from Prison," by Peter Michael K (March 1981). A prisoner describes the successive anxieties of awaiting the Parole Board's decision and then contemplating the problems of release. About 7 weeks prior to his release date he is transferred to a halfway house operation where he performs housekeeping tasks as a "community service volunteer." He observes that halfway house programs bridge the gap from prison to community, an experience which can have frightening aspects for homeward bound prisoners.

"Discovering TA," by David Midgley (March 1981). Transactional Analysis (TA) can be adapted for use as a "treatment approach" with offenders under supervision. Following study in introductory and advanced courses and experimentation with TA concepts in his one-to-one counseling, Midgley founded a group and embarked on an actual TA treatment program under supervision of an "experienced practitioner." He acknowledges that in regards to both probation officers and offenders TA is not for everyone. But, for those offenders who want a pragmatic system of dealing with *present* realities so that objectives can be isolated and reached, problems solved and insights gained, TA may be of interest. For the probation officer who is searching for a "genuine treatment approach," TA can also be an answer. Thus offenders and probation officers can "contract" to reach mutually accepted and reciprocal goals.

References are provided.

"Probation Hostels: Wardens, Regimes and Residents," by John R. Hudson (March 1981). It stands to reason that the "regimes" of hostels (halfway houses), the management styles of wardens, and the needs or level of "moral development" of offenders are patterned and that they can be classified. Hudson's survey of the literature supports this premise and serves in turn as the premise for matching management style with regime type with offender type in order to establish a purposeful hostel program. From such an approach, programs emerge which can in turn be categorized as "...treatment, containment, cold storage and structured environment ...." Thus a particular hostel would have an aim and the key to realizing this aim is the warden. The ideology of management style emanating from the warden must be compatible with the aim of the hostel and the warden must be supported in all ways by any "management committee." A typology of leadership style, staff-resident relationship, and level of moral development is presented along with references.

"Probation: A New Orthodoxy?," by Dave Burnham (March 1981). If probation work is moving away from its traditional social work role and more towards goals of "practical effectiveness" and "resource management," is it because reactionary forces are in position of political dominance and are exerting pressures to do so? It is easy to assume this is so but Burnham feels this cannot be demonstrated. If those in positions of power and leadership show any policy towards probation service, it is one of apathy. But, this may be bringing about more change than might be expected. Service to clients is being replaced by a bureaucratic system of processing cases. In Burnham's view community service is a prime example. It services the courts, enforces the sentence and provides something valuable to the community but "... the client gets nothing ...." If this is happening it is only because "processing" is a thing that has come into vogue and probation officers are simply going along—undergoing "process orientation." The heretofore humanitarian and "sacrosanct" service ideology is eroding into an "orthodoxy," the central concern of which would be "surveillance." Burnham finds this difficult to understand and implores probation officers to rouse themselves to resist this drift.

References are provided.

"Parole Reform and the Use of Guidelines for Decision-Making," by Mark Harris (March 1981). Parole is a very recent addition to the British criminal justice system, but following the line of current thought, there is already the suggestion that it be abolished. Harris proposes that abolition could be stayed in the event of reform—principally that there be accountability for parole decisions. This quickly leads Harris to an examination of the American system of salient factor scores and release probability guidelines. All the factors that led to the present stage of development of the United States Parole System are very accurately reviewed by Harris and this is "old ground" for the American reader. Of significance is Harris' opinion that the "guidelines" system is a progressive and positive step which should be embraced by the British. It answers the need for "accountability" and is in the "... interests of fairness and justice." There is also a hint that for similar reasons the courts might explore the employment of such a system.

References are provided.

Your Bookshelf on Review

EDITED BY BENJAMIN FRANK, PH.D.

A Revised Perspective of the Female in the Criminal Justice System

Women in the Criminal Justice System. By Clarice Feinman. New York: Praeger Publishers, 1980. Pp. 121. Hardcover $20.50; Softcover, $9.50.

Until quite recently, the criminal justice system was almost exclusively a male province both in terms of offenders and employees. Women constituted only a small percentage of the total number of people arrested and their offenses tended to fall into a handful of categories such as shoplifting and prostitution that came to be known as typical "female crimes." Not only were the majority of people processed by the system male but most of those doing the processing were, also, male from arresting officer to prosecutor, defense attorney, and judge, right through to correctional staff, both institutional and community-based.

Within the last decade or so, however, much of this has changed as evidenced by reports of an increase in female crime rates—although there is still considerable debate regarding the nature and extent of this increase—and by the entrance of more women into such fields as law, police work, and corrections. Along with these recent changes has emerged a small but growing body of literature examining the subject of women and crime most of it focused on the female offender. *Women in the Criminal Justice System*, by Clarice Feinman, a professor in the Department of Criminal Justice at Trenton State College, adds an important new dimension to the work already published by going one step beyond a discussion of female criminality and exploring, in addition, the situation of women employed within the criminal justice system.

In the first part, devoted to female offenders, the author cites a currently popular view, fed by the media and advanced by several well-known researchers in the field, that both the nature and extent of female criminality have changed radically in recent years: specifically, that women's criminal activity is increasing in all areas at a faster rate than men's; that women are committing more violent crimes than before; and that women are becoming more masculine in the kinds of crimes they commit and their methods. These same researchers, among whom are Freda Adler and Rita Simon, also postulate a causal relationship between the rise in female arrest rates and the women's movement of the 1960's and 1970's claiming that increased criminal activity on the part of women is a direct result of the greater assertiveness and expanded opportunities brought about by that movement.

Feinman takes issue with these claims and uses statistics from the Uniform Crime Reports to refute them. While acknowledging that from 1960 to 1975, the percentage of women arrested for the more serious offenses covered by the Crime Index almost doubled going from 15.9 percent to 29.4 percent, she asserts that this overall increase was due almost entirely to an increase in arrest for larceny/theft, a crime traditionally associated with women, while female arrest rates for violent crimes remained fairly stable. The author then discusses a number of factors, primarily demographic, that might explain the relatively moderate rise in female arrest rates. For example, women born during the baby boom of the late 1940's and early 1950's were between 15 and 30, the most criminally active age group, during the 1960's and 1970's. The gradual shift in population from rural to urban areas with urban law enforcement agencies much better equipped to record and submit arrest data, and a growing willingness on the part of both victims and law enforcement agents to press charges against female law-breakers are also mentioned as possible contributing factors. Feinman concludes that the incidence of crimes committed by women has, in fact, increased since 1960 but only from about 10 percent to 15 percent, that this increase can be largely attributed to a number of broader social forces, and that there has been no great increase in violent or aggressive criminal activity on the part of women.

The author also challenges the contention that the women's movement has caused an increase in female crime rates. She points out that most female offenders are from the lower socioeconomic class, are usually members of minority groups, are lacking formal education and vocational skills, and are underemployed if not actually unemployed. In contrast, most supporters of the women's movement are white, middle-class, well-educated, and career-oriented, just the kind of women who are seldom involved in crime and rarely arrested. A national survey, conducted in 1975, found that only 30 percent of 1,522 women across the country were nontraditional in their view of marriage and employment while the other 70 percent believed that men should be the prime or sole supporters of their families. Feinman contends that, in both the criminal and noncriminal world, there is a strong tendency for women to follow the traditional female role and concludes that the women's movement has achieved no greater hold over female offenders than over American women in general.

The next three chapters deal with women employed within the criminal justice system and form the most interesting and provocative part of the book. Attention is focused on three different groups: women in corrections, in law enforcement, and in the legal profession. In each case, the author describes the historical background and circumstances surrounding the entrance of women and then goes on to trace the careers and contributions of the first women in corrections, police work, and the law. Also fully covered are the traditional role of women in each area, recent changes in this role leading to innovations in hiring and employment practices, the current status of women professionals within the criminal justice system, and projections for the future.

Women became involved in corrections and police work, according to Feinman, as a result of pressure brought to bear by various reform groups that were very active during the 19th century. In corrections, it was Elizabeth Gurney Fry, an English Quaker, who established the theoretical and practical underpinnings of women's corrections. Fry maintained that female offenders should be separated from male offenders and guards and housed, instead, in separate facilities supervised and staffed only by women. It took more than 50 years for this idea to become widely accepted but, finally, between 1873 and 1927, five correctional institutions for women were opened in various parts of the country.

Women entered police work during the same period, the late 19th and early 20th century, and for very much the same reasons. Originally hired in New York City in 1845 as police matrons to supervise and protect female defendants, this practice spread until 40 years later, there were police matrons in a total of 12 cities. It was not until 1910, however, that the title of policewoman was first used with the appointment of Alice Stebbins Wells, a theological seminary graduate and social worker who dealt only with women and children.

In both corrections and police work, then, women entered the field to perform a very specialized function, that of dealing with other women and juveniles, and this became their particular niche and area of expertise. The author points out that this traditional role remained firmly in place until the 1960's when it began to be questioned and challenged.

Since then, efforts have been made in some locations, notably the larger urban areas, to expand the role of women within the criminal justice system such as using female correction officers in male facilities and assigning female police officers to patrol duty. Needless to say, such radical changes have met with considerable negative reaction ranging from skepticism to outright opposition. Feinman outlines some of the objections that have been raised against these new practices including the argument that female correction officers violate the right of male inmates to privacy and jeopardize security and the contention that women do not have the physical strength to make good patrol partners. On the other side of the latter argument, the results of five major studies are presented showing that female police officers on patrol performed just as effectively as men. Of course, controversy still swirls around these new practices and the debate is likely to continue for many years to come. This book contributes substantially to that debate by fully and rationally discussing the historical antecedents predating the current situation, the legislation and court descisions mandating the changes, and the strong feelings engendered by them, thus, encouraging the reader to, at least, try and appreciate the complexity of the issues involved.

While clearly written from a feminist point of view, prospective readers need not assume that "Women in the Criminal Justice System" will be either angry or shrill. On the contrary, the book is very well-written, scholarly in its extensive use of numerous kinds of sources, factual in presentation, and balanced in tone. The one glaring oversight is the complete omission of any discussion of women in probation and parole, possibly, because of the relatively small size and invisibility of these agencies. Despite this minor flaw, *Women in the Criminal Justice System* remains an important achievement in an area that is just beginning to be explored.

New York, N.Y. MARGARET R. SAVARESE

Why LEAA Failed

The Policy Dilemma: Federal Crime Policy and the Law Enforcement Assistance Administration, 1968-1978. By Malcolm M. Feeley and Austin D. Sarat. Minneapolis: University of Minnesota Press, 1981. Pp. 172. $7.95.

Malcolm M. Feeley's and Austin D. Sarat's thesis in *The Policy Dilemma: Federal Crime Policy and the Law Enforcement Assistance Administration, 1968-1978*, is that the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351) was an early and major expression of the "New Federalism." The authors' analysis bears heavily on the Act's "block-grant" approach whereby Federal provision of "revenue and ideas" to state and local agencies was intended to ensure new approaches to "fighting crime" while simultaneously promoting continuing state and local responsibility for that function; their claim is that it is precisely this double-binding double-mission which engendered the Act's ineffectuality and the Law Enforcement Assistance Administration's demise.

The first level of failure of P.L. 90-351, Feeley and Sarat say, was that the Act's "war on crime" stance could (or would) not acknowledge the complex truth that, at best, crime in the United States is virtually an intractable social problem; the second level of failure was that "Safe Streets" departed, vis-a-vis its emphasis on block-grant, from the more direct intervention strategies of the "War on Proverty." In short, the authors see the "Omnibus" Act of 1968 as exemplary of our American politics of process and procedure and of those self-induced "policy dilemmas" which arise from our combining increasing demands for government services to solve "epidemic" social problems with our inability and unwillingness to govern, either efficiently or effectively.

Throughout this book, Theodore Lowi's *The End of Liberalism* is used to explicate one portion of a two-pronged thesis: contemporary public philosophy is merely "interested group liberalism"; "interest group liberalism" is a successor to "laissez-faire" which—while recognizing that government intervention is necessary, indeed, inevitable where economic enterprise is highly complex and "corporate" and thus not fully responsive to the "directives of the market"—*nonetheless* promotes government that is unable and/or unwilling to "clearly define policy problems (e.g. 'Crime'), establish goals, identify strategies, and enforce directives." The pervasiveness and intensity of this philosophy forces both the engagement of a multiplicity of groups in designing and implementing policy and the widespread delegation of authority: "Legislators delegate responsibility to administrative agencies who, in turn, delegate it to interest groups with whom they have close and ongoing relationships"; "Scramble" and "negotiation" substitute for "clarity, choice, and closure." And, as one consequence, the creation of the complicated "administrative" structure (national, Federal-regional, state, state-regional, local) that became "LEAA," a most beleaguered and awkward "paper tiger."

In their discussion of the structure (and the incessant restructuring) of LEAA, Feeley and Sarat focus on Jeffrey Pressman's and Aaron Wildavsky's diagnosis of public policy failure as owing to lack of technology and abundance of "overland" (e.g., what means "improve the Criminal Justice system"?). Their point here is that an addition to Lowi's thesis (and "Federalism" notwithstanding), implementation by multiple actors with different interests inevitably involves not only lengthy discussion but also a "systematic and random distortion of policy goals"—no surprise, then, that multiple "agenda," uncertainty, and lack of focus and coordination constitute LEAA's history from 1968-78. The agency's mandate was to "facilitate" and "assist" *change*—"top-down"—in that very "non-system" which was itself assumed by the act to be a major impediment to meaningful reform!

The authors' admonition for the future is that we must certainly avoid similar building of incapacity into Federal allocation; their positive prescription is that we must develop "new expectations about public policy and . . .new technology for dealing with social problems"; they recommend (perhaps through Special Revenue Sharing and Discretionary Grants) a Research and Development approach wherein state agencies are treated, when "appropriate," as "federal laboratories."

Feeley and Sarat conclude that the "federal government needs either to get out of, or get directly into the business of reforming criminal justice." This rather general conclusion, together with the book's "phenomenological contextual approach" (that is, the lack of a systematic, rigorous qualitative methodology) tends to weaken arguments that this reviewer—who at various times from 1968 to 1979 was a program director, researcher, and administrator in both local and state agencies and often served as a trainer, technical consultant, and developer for LEAA programs—can attest to the heuristic value of the authors' thesis. It is unfortunate that its unsystematic methodology and feeble conclusion will cause it to be suspect in those very circles in which it should be most widely and profitably read.

Oklahoma State University LORRAINE FOWLER

Introduction to Probation and Parole

Supervision of the Offender. By Harold B. Trester. Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1981. Pp. 323. $15.95.

The author has written a basic introduction to probation and parole ". . .intended to fill a void in the literature for the individual who is now studying in this field." He approaches this task from a social casework perspective and attempts to clarify the distinction between probation and parole. The book is written in a straightforward style that avoids the use of case studies, statistics, and flow charts, and tries to give the reader a realistic picture of the role and duties of the probation/parole officer.

Although the title hints at some helpful insights in getting back to the *basics* of working with probationers and parolees, the book offers only some theory and little in the way of practical solutions. Several times this reviewer found the author moving backwards into a sociological model of working with the public offender and away from some of the exciting and challenging models of dealing with the criminal and his "patterns of thinking."

In short, this book might be interesting and helpful to the novice in the criminal justice system, but is of little value to the professional already working with the public offender on a day-to-day basis.

Dallas, Texas MICHAEL E. RUHNOW

A Guard's View of Prison

Guards Imprisoned. By Lucien X. Lombardo. New York: Elsevier, 1981. Pp. 174.

The essence of this treatise is set within the theoretical context of occupational sociology and linked to the earlier concepts of "people work" (Goffman) and "bureaucrat" (Merton). It is designed to illuminate the heretofore relatively unexplored perspective of today's correctional officer as he conducts his daily routine within the iron womb of a maximum security prison. As such, it not only augments our present knowledge of the realities of insitutional life, but it may also constitute a seminal study to generate a future series of scientific inquiries into this little understood aspect of corrections. On the other hand, if we neglect the importance of what is being presented here, then the field of corrections has missed an unprecedented opportunity to augment its storehouse of knowledge relative to the most pivotal role in any modern correctional facility: the social reality of the role of the correctional officer.

The method adopted in this study was to interview a representative sample of 50 officers from a potential universe of 359. These respondents were randomly selected in such a manner as to identify 15 percent of the guard force from each of the diversified strata of work assignments at Auburn Prison in upstate New York.

After completing a background data sheet, each guard responded to an interview schedule which contained a series of open-ended questions relative to (a) details of their recruitment, and (b) their preemployment expectations of what the job would be like. They then described (c) their duties on the specific assignment where they now worked and indicated the extent of their (d) satisfaction or (e) dissatisfaction with it. Having then covered the initial elements of a correctional officer's work perceptions, an indepth focus was directed toward how they felt about (f) helping inmates with problems, (g) how they enforced the rules in dealing with these inmates, and (h) the extent of the intergroup cohesiveness which existed amongst guards. The interview, which typically consumed about 150 minutes, concluded with (i) their perceptions of how they were viewed by others and (j) how guards dealt with deviants.

The results, while not dramatic in a theatrical sense, provide a fascinating glimpse into the little known world of prison guards. Dr. Lombardo has organized his findings into nine succinct chapters each of which is focused upon a specific topic which probably was guided by the interview schedule. These were grouped under the four major headings of (1) Introduction, (2) Work, (3) Reactions and (4) The Prison Community. These are followed by a detailed set of six appendices which explain the intricacies of his methodology. The book concludes with a very thorough bibliography of the pertinent literature and a detailed Index.

To summarize this study, guards were recruited to prison employment more by push than pull. Most had experienced frustration in their earlier work experience and were willing to settle for the security of a long-term civil service job with attractive fringe benefits and a livable salary. However, once entombed behind the walls both financially and psychologically, they then had little choice but to adapt as best they could to the reality which they faced in their newly acquired second-choice careers. This is the thesis which is reflected in the selection of the book's title.

Although 75 percent of the guards were recruited from the surrounding community, they were sociopsychologically unaware of the presence of the prison within their midst. In the process of becoming a guard, they not only had to confront this formerly invisible structure, but had abruptly to adapt to the realities of the work therein. The resultant shock—often aggravated by the unwritten code of silence relative to institutional affairs and personnel—was experienced as an unsharable form of degradation ceremony and/or as a *rite de passage* which they believed would be incomprehensible to those residing outside the walls. They gradually learned to function as officers, but often this was without the support or guidance of the seasoned guards who frequently perceived them as competitive threats for the more desirable assignments. Thus, in an ironic twist of formal personnel indoctrination policy, the neophyte guard often learned to perform his new duties from the very inmates whom he was expected to discipline.

The objectives of sentencing and rehabilitation had little relevance to the new prison guard whose attention was soon focused on the immediate tasks which he undertook. With the passage of time, this became his life, and even the events of the outside world seldom penetrated his barred cocoon. To expedite the passage of time, he sought an assignment within the prison which best met his own personal interests. This often took the form of service delivery to inmates as an aid to alleviating what Sykes earlier identified as the pains of imprisonment. Thus the guard, already indebted to some degree to inmates for easing his own entry into this new role, adopted an empathetic view toward their plight and reacted to them more as individuals than as an unwholesome congregation of contaminated felons. For many, the aid offered to prisoners was subject to criticism by certain other guards, but it was appreciated by the inmates because it represented *real* help (since they were aware the guard was not paid for this "extra" service).

Authority over prisoners was regarded as a right which must be earned, not a mere power to be bestowed. Unfortunately, this was not a universal perception within the subculture of guards. Hence a dichotomy arose which implicitly contained the seeds of internecine conflict. The resultant dualistic approach toward rule enforcement by guards was one in which the minority adopted a legalistic approach to discipline while the majority applied what they termed legitimate (earned) authority. This had serious implications relative to how a given operational unit within the prison might respond to a tightening or easing of a new policy.

Lombardo opposed the view of Sykes relative to the premise of "corruption of authority." Using the Bogardus definition of social distance applied to the guard-inmate dyad, he found that rule enforcement and authority were viewed separately. When combined with social distance, the nature of the discipline exerted over inmates by guards was most influenced by the latter's work assignment. This conflicted with Sykes' view which held that the absence of positive reinforcement linked to inmate pressure was the source of corruption.

Where job satisfaction was noted, it tended to revolve around the issues of stress relative to potential danger, occasional debasement by prisoners and the continuing difficulty of remaining impartial to inmates. Further aggravation derived from a feeling of powerlessness, particularly in the sense of an absence of cooperation and support from peers, supervisors, and administrators. Where this was linked to ineffective official communication, officers frequently used inmates as their sources of information. Largely, however, the dissatisfaction by guards emanates more from the administration than from the inmates, which tended to further alienate officers from officialdom. Unfortunately, Lombardo did not explore the correctional officer-correctional counselor relationship.

On the more positive side, the original incentives of job security, etc., functioned to retain guards in the prison although their expectations for recognition, etc., waned over time as did their identification with peers as a collectivity. Personal rewards, however, operated to keep them on the job. These often came in the form of significant contributions which they felt they made to the improved functioning of the prison. This, combined with their individualized outside interests, served to improve their morale and made their positions as guards more palatable.

Although the shortcomings of this innovative book are few, it nevertheless should be noted that Auburn is not a typical prison nor is New York a typical state correctional system. This calls into question the advisability of generalizing these findings to other correctional facilities whose programs, plants and personnel may be vastly different both quantitatively and qualitatively. Furthermore, the author had been a full-time teacher in this institution for 5 years prior to undertaking this research (which also served as his dissertation at SUNY (Albany). Hence because of the alienation of the correctional officers from the administration (above), he may have been seen as an "outsider" to this in-group which may have influenced to some degree their responses during the individual interviews.

It might have been fruitful if Lombardo had explored the allied problems of the effects of political interference, abuse of authority, cynicism and corruption on guards. Then a comparison to similar studies conducted relative to police—a group which is occupationally similar in many respects—might have been enlightening. This seems particularly appropriate since the decisionmaking process as described here appeared to be quite similar. Certainly a comparison of Auburn guards to Attica guards might have revealed some noteworthy differences which may have been of significance.

But there is no point in bemoaning the author's silence in these matters, the redress of which might best be left to future researchers. It is sufficient that he met his objectives of exploring the daily tasks, attitudes and behaviors of officers—including the guard-prisoner dynamics—and was able to relate these to the problems and satisfactions of the job as perceived and experienced by them. Thus we are indebted to Lombardo for this adherence to the guiding principle of his text, the central thread of which was to portray the diversity of the correctional officer's work within the context of the prison milieu where he performed it. Because of this significant contribution, the correctional field will remain indebted to Dr. Lombardo for many years to come.

Western Michigan University LLOYD BRAITHWAITE

The History and Development of Community Corrections

Commmunity Corrections: New Horizons, 1st Edition. By Harjit S. Sandhu. Springfield, Illinois: Charles C. Thomas, 1981. Pp. 343. $24.75.

In the preface to this book the author points out that a tremendous growth in community-based corrections has occurred in recent years. This growth has resulted in a "sprawling amount of literature that is beyond the reach of a busy student or a practitioner." He goes on to say that this book is an attempt to pull together a number of reports on community corrections.

This book covers, in a logical and organized manner, the basic programs normally seen as a viable part of community corrections. However, there seems to be somewhat of a drift from continuity when two chapters are added at the end concerning drug abuse problems. The justification for this is the prevalence of drug use by the offender population. There is little question that this is true but a high correlation between offender population and many other factors can also be shown.

In chapter 1 the historical development of community corrections is traced. Brief comments on various punishments and the beginning of the reformatory movement is covered. The author also lists several well-known reformers and their contributions as well as commenting on the development of the principal agencies in community corrections.

Chapter 2 deals with the rationale for community corrections. It is pointed out that prisons are failures and that community corrections can maintain control and be as equally deterrent. In this chapter are brief references to various studies ranging from Thrasher's work to that of Miller's. The purpose here is to show what the author sees as support for community-based corrections in various sociological and psychological studies.

In the third chapter the interaction between community agencies and correctional programs are discussed. It is also suggested that the offender can provide a significant contribution to the community, to other offenders and to the justice system as a whole. Chapter 4 discusses management and administrative problems of probation. This particularly relates to caseload, presentence reports and innovations in probation. Chapter 5 traces the history of parole, how it is organized and the decisional process. The controversial issue of parole abolition is touched upon and brief suggestions on how to improve the parole process are offered.

The next chapter is concerned with diversion. Various arguments for diversion are offered in an organized manner and the same pattern is followed for a discussion of criteria. Also presented are several case histories with short discussion. Chapter 7 discusses planning a residential center and the issues involved in establishing one. Chapter 8 deals with the effectiveness of community-based programs and how such effectiveness is monitored. The various separate programs that are community-based are discussed.

The final two chapters relate to drug abuse. Chapter 9 discusses certain drug abuse concepts and presents an ideological overview. A more detailed and technical discussion of individual drugs and their potential effects is offered. In the final chapter the relationship between drug abuse and community correction is forcefully presented. Various treatment modalities are discussed at some length and the issue of treatment within the criminal justice system is addressed.

The author has presented a readable and logical argument for the relationship between drug abuse programs and community corrections. The development of community-based programs is touched on and followed by a discussion of the more obvious problems. I see this book as a supplemental text since it does not deal in depth with specific issues or topics. It presents a somewhat different and creative format and is one that should stimulate undergraduate reading and discussion. I would certainly recommend its use as mentioned above.

North Texas State University WILLIAM E. AMOS

Delinquency and the Juvenile Justice Process

***Introduction to Juvenile Delinquency*. By Mary Murrell and David Lester. New York: Macmillan Publishing Co., Inc., 1981. Pp. 262.**

The objective of this text is to provide a concise introduction to delinquency theory and the juvenile justice system. In addition to the usual text information, the authors include selections from court cases, probation reports, and interviews. These should encourage students to read it. Unfortunately, the brevity results in certain terms and theories being inadequately defined.

The text is divided into two sections—causes of delinquency and juvenile justice process. The first part focuses on the scope, causes, and patterns of the problem and includes an interview with a young man convicted of murder. The chapter on scope examines the legal definition of delinquency, the extent of the problem, the issues concerning use of as well as alternatives to crime statistics, and the "typical" characteristics of delinquents as indicated by official records. In three chapters the major theories of delinquency prevention are reviewed—sociological—environmental, labeling, and psychological. This last chapter also includes biological studies as they interrelate with psychological ones. The chapter on patterns of involvement includes a review of the literature on middle class delinquency, female delinquency, gangs, and the violent offender.

Part two examines the juvenile court, its history and present role; the process of handling the youthful offender from intake, through the hearing, to disposition. Another chapter focuses on new innovations—removal of status offender from the juvenile justice system, child advocacy, deinstitutionalization, and diversion. The final section is an interview with Judge Richette discussing her experiences and cases she handled in the juvenile court.

The text reflects extensive research. It attempts to link theory and process, suggesting programmatic implications of each theory. Discussion questions in each chapter, interviews, and reports highlight issues, promote discussion, and provide an opportunity for applying theory to concrete situations. The book thus encourages the student to think.

The authors' efforts to simplify and be concise are also the source of the text's inadequacies. Clearer definitions of terms such as group home and diversion, when first introduced, would be helpful. The discussions of some topics, particularly those on statistics and deinstitutionalization, are sketchy. From the information presented it is unclear why the authors abruptly state that the only conclusion one can draw about deinstitutionalization is that it is cheaper.

More serious, however, is the author's misrepresentation of Cloward and Ohlin's theory of "differential" opportunity. They present it as "opportunity theory," focusing on the lack of access to legitimate avenues of success for the poor. No mention is made of the individual's relation to the illegitimate opportunity structure or the "differential" dimension of theory. The presence of such a conceptual error makes it difficult to recommend the text since it raises a credibility problem. This is unfortunate, because the text, overall, could have been a useful tool.

The American University BARBARA ANN STOLZ

A Guide to Literature on Minorities in Criminal Justice

***Index to Minorities & Criminal Justice: An Index to Periodicals and Books Relating to Minorities and Criminal Justice in the United States*. Edited by Scott Christianson. Albany, N.Y.: Center on Minorities and Criminal Justice, School of Criminal Justice, State University of New York at Albany, 1981. Pp. 300. $85.**

This index to minorities (Blacks, Hispanics, Indians, Asians, Italians, etc.) and Criminal Justice should be available in every college or university library in the United States, especially those offering courses in criminology and criminal justice. Students and faculty who are doing research on any topic related to minority groups and crime or the criminal justice system will find it an invaluable aid. This volume represents the 1981 cumulative edition and annual editions thereafter are planned. This edition includes both a subject and author index with abstracts. Entries refer to articles in more than 400 periodicals as well as to books, government reports, monographs, unpublished dissertations, papers, and selected court cases. Those documents that are available from the National Criminal Justice Reference Service are indicated. The fields covered include criminal justice, criminology, sociology, psychology, law, history, medicine, philosophy, political science, social work, Afro-studies, etc.

The index is designed so that a researcher may look up a particular topic (there are 900 key words) and find a chronological listing of articles, books, etc., that deal with this topic. Abstracts on the sources cited are given in the author index with abstracts. The chronological listing allows the researcher to gain a better insight as to how the literature on a particular topic has developed over time.

The index also includes an index to judicial cases involving American minorities. Cases are grouped by subject heading and listed chronologically. This feature will be greatly expanded in future editions.

Though other indexes (*Criminal Justice Index*, *Social Science and Citation Index* and *Index to Legal Periodicals*, etc.) also utilize key words that relate to minority topics, the researcher who is interested in issues related to minorities will find the key words and sources in this index to be far more comprehensive than can be found elsewhere.

Florida International University WILLIAM WILBANKS

Reports Received

California Youth Authority (Annual Report). Youth and Adult Correctional Agency, Department of the Youth Authority, Sacramento, Calif., 1981. Pp. 40. Covering the year 1980, this report announces two major administrative changes: the creation of a new cabinet-level agency combining the youth authority and the corrections department into the Youth and Adult Correctional Agency and the establishment of the Youthful Offender Parole Board as an independent administrative agency replacing the former Youth Authority Board. Other major activities and a statistical description of programs, population trends, are also included.

Correctional Law Digest 1980. University of Toledo College of Law, 2801 West Bancroft, Toledo, Ohio 43606, 1981. Pp. 317. These annotated digests of decisional law cover legal principles and relevant facts of every case on probation, parole, ex-offenders, and the operation of correctional institutions which were reported during the year 1980 together with selected cases on mental commitments and sentencing.

Delinquency in a Sacramento Birth Cohort. Department of the Youth Authority, Youth and Adult Correctional Agency, Sacramento, Calif., June 1981. Pp. 54. The study published in this report was intended to replicate the Philadelphia Study of the 1950's and published in 1972. The present study took place between April 1977 and July 1978 and presents details of methodology, cohort selection, and analyses of the data on delinquency and nondelinquency among the Sacramento cohort.

Economic Strategies in Probation: A Handbook for Managers. California Probation, Parole, and Correctional Association, 1722 J-Street, Sacramento, Calif. 95814, July 1981. Pp. 125. The intent of this report, as stated in the preface, is to provide the probation administrator with the widest possible variety of economic strategies and one of a series of responses to the spectre of diminishing resources in probation. Among the strategies discussed are chapters on offsetting caseload costs, additional sources of funds, utilizing cutback management techniques, and building a constituency.

Freedom on Licence: The development of parole and proposals for reform. Howard League for Penal Reform, 169 Clapham Road, London SW 9 OPU, England, 1981. Pp. 69. After reviewing the development of parole in England since its establishment in 1967, and analyzing the problems surrounding its administration, this document then lists several recommendations for retaining parole, eliminating the discretionary features in parole selection, and extending automatic principles of release to short-term sentences.

Jail Management. The Prison Journal, 311 South Juniper Street, Philadelphia, Pa. 19107, Spring-Summer Issue, 1981. Pp. 81. This issue of the Journal is devoted entirely to the problems of the jail: the jail in rural and smalltown America; training and staff development, standards, crisis intervention in jails, and an annotated bibliography of American jails.

Victims of Crime: A Review of Research Issues and Methods. U.S. Department of Justice, National Institute of Justice, Washington, D.C., October 1981. Pp. 243. This report presents eight papers on victim-related research that were commissioned as part of a project to develop a research agenda in victimology for the Office of Research Programs of the National Institute of Justice. A summary and analysis of the eight papers and the proceedings of a victimology workshop held on March 10-11, 1980, precede sections on research topics and issues, and research agenda recommendations.

Books Received

Assets and Liabilities of Correctional Industries. By Gail S. Funke, Billy L. Wayson, and Neal Miller. Lexington, Mass.: Lexington Books, 1982. Pp. 159. $18.95.

Concrete Mama: Prison Profiles from Walla Walla. Photographs by Ethan Hoffman; text by John McCoy. Columbia: University of Missouri Press, 1981. Pp. 196. $24.95.

Crime and Justice: An Annual Review of Research. Edited by Michael Tonry and Norval Morris. Chicago: The University of Chicago Press, 1981. Pp. 353. $22.50.

Family Counseling: An Annotated Bibliography. University Research Corporation. Cambridge, Mass.: Oelgeschlager, Gunn & Hain, Inc., Publishers, 1981. Pp. 204. $22.50.

Forensic Science Handbook. Edited by Richard Saferstein. Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1982. Pp. 725. $35.00.

Human Relations: Law Enforcement in a Changing Community, Third Edition. By Alan Coffey, Edward Eldefonso, and Walter Hartinger. Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1982. Pp. 286. $19.95.

Imprisonment in America: Choosing the Future: By Michael Sherman and Gordon Hawkins. Chicago: The University of Chicago Press, 1982. Pp. 146. $15.00.

The Incidence of Female Criminality in the Contemporary World. Edited by Freda Adler. New York: Columbia University Press, 1981. Pp. 275. $32.50.

Oral History and Delinquency: The Rhetoric of Criminology. By James Bennett. Chicago: The University of Chicago Press, 1981. Pp. 363. $28.50.

The Prosecution Function. By David M. Nissman and Ed Hagen. Lexington, Mass.: Lexington Books, 1982. Pp. 203. $22.95.

The Social Basis of Criminal Justice: Ethical Issues for the 80's. By Frank Schmalleger and Robert Gustafson. Lanham, Md.: University Press of America, 1981. Pp. 321. $11.75 (paper).

Society, Crime, and Criminal Behavior, Fourth Edition. By Don C. Gibbons. Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1981. Pp. 561. $20.95.

Violent Men (Revised Edition). By Hans Toch. Cambridge, Mass.: Schenkman Publishing Company, 1980. Pp. 270. $8.95.

Who Commits Crime: A Survey of Prison Inmates. By Mark A. Peterson and Harriet B. Braiker, with Suzanne M. Polich. Cambridge, Mass.: Oelgeschlager, Gunn & Hain, Inc., 1981. Pp. 267. $22.50.

It Has Come to Our Attention

The International Prisoners Aid Association will hold a special meeting in Vienna, Austria, May 2 to 6, 1982, at the Vienna International Center. Hosted by the Austrian Union of Offenders Aid Association, the conference will have as its theme, "The Elderly Offender." For further information write to Dr. Wolfgang Doleisch, Karl Schwieghofer—Gasse 8, A1070, Wien 7, Austria.

Thomas J. Callanan, director of the New York State Division of Probation, has been sworn in as president of the American Probation and Parole Association. Other officers sworn in at the APPA's Sixth Annual Institute last fall include: **Norman L. Helber**, director of the Gloucester County Probation Department in Woodbury, N.J.—first vice president; **Jean-Claude Perron**, Canadian Correctional Services, Laval, Quebec—second vice president; **Claude T. Mangrum**, assistant chief probation officer, San Bernardino County Probation Department, Calif.—secretary; and **Nancy Lick**, director of research, Planning and Training Unit, Court of Common Pleas, Philadelphia, Pa.—treasurer.

The Association for Correctional Research and Information Management, formerly the Association for Correctional Research and Statistics, founded in 1971, has installed as its president **James A. McCafferty**, chief, Statistical Analysis and Reports Division, Administrative Office of the United States Courts. Other officers of the Association are: **Conroy Chow**, administrator, Office of Correctional Information and Statistics for the State of Hawaii—vice president; **Dr. Thomas Johnson**, Department of Criminal Justice, Washington State University—secretary/treasurer. McCafferty has appointed **Professor Charles Friel** of the Institute of Contemporary Corrections at Sam Houston State University to serve as the ACRIM program chair for the American Congress of Correction meeting to be held August 15 to 19 in Toronto.

The Second Biennial American University School of Justice Institute on Juvenile Justice will be held July 11 to 30, 1982, at the Imperial College of Science and Technology, University of London, London, England. For further information write: Dean Richard A. Myren, Director, Institute on Juvenile Justice in England and America, School of Justice, The American University, Washington, D.C. 20016, or call (202) 686-2532, or the England Juvenile Justice Coordinator, Gary Marsh (202) 364-8221.

Rosemary Ahmann, director of the PORT Training Institute, a private nonprofit corrections program in Rochester, Minn., was named Corrections Person of the Year last October by the Minnesota Corrections Association at its annual conference in Minneapolis. An Olmsted County Commissioner from 1972 to 1980, she was cited for "her active and visible leadership in improving correctional policy and programs at the local and national level. As an elected official she has provided strong support for community-based corrections programs."

The 59th Annual Meeting of the American Orthopsychiatric Association will be held March 29 to April 3, 1982, in San Francisco. The meeting theme is "Families: Rights, Needs, and Services." For further information contact the Association office at 1775 Broadway, New York, N.Y. 10019, or call: (212) 586-5690.

The U.S. prison population grew by more than 20,000 inmates during the first half of 1981, adding more prisoners than during all of 1980, the Bureau of Justice Statistics announced last October. On June 30, 1981, state and Federal prisons held almost 350,000 men and women, compared to less than 330,000 on December 31, 1980. The 6.2 percent increase was equivalent to an annual growth rate of 12.8 percent. In 1980 the annual rate was 4.5 percent, and it was only about 2 percent during 1979 and 1978, a Bureau bulletin noted. If this trend continues, 1981's annual rate will exceed the 10 percent record increase set in 1975. (Recordkeeping began in 1925.) Almost 19,000 of the increase were additions to state prison populations, the bulletin said. To cope with this influx, state officials had to resort to housing prisoners in tents and prefabricated buildings and to double-bunking and early release. Some state institutions now house about twice their rated capacities. Other states have had to rely heavily on space in local jails, the Bureau said. To obtain copies of the bulletin, "Prisoners at Midyear 1981," or to be added to the Bureau of Justice Statistics mailing list, write the Bureau in Washington, D.C. 20531.

An experimental project to cut crime through environmental design reduced commercial burglaries 55 percent and contributed to an improvement in the "quality of life" in a Portland, Oregon, neighborhood, according to a report released by the National Institute of Justice of the U.S. Department of Justice. The study said the burglary rate along the one mile mixed residential-commercial area was 13.5 per month in 1975, 2 years after the start of the project. In 1977, the rate had dropped to 6 per month. It remained at 6 per month in 1979, 2 years after the close of the project. The report attributed the decline to a combined security survey and street lighting program implemented as part of the Crime Prevention Through Environmental Design program. For additional information on the study contact the National Criminal Justice Reference Service, Box 6000, Rockville, Md. 20850.

Policymakers looking for answers to fundamental questions about relationships between weapons, crime, and violence are faced with "a near-total absence" of reliable research data on such issues, a federally funded study has concluded. "In general," the researchers' report said, "the published literature is more noteworthy for what it does not show than what it does. There is, it appears, scarcely a single finding in the literature that could be said to have been indisputably established. "In part, this reflects the highly politicized nature of research in this area, but, more importantly, perhaps, it results from a near-total absence of sound and nationally generalizable data from which reliable information about weapons, crime, and violence might be established." Policy decisions are being made in what amounts to an "information vacuum," the study said. The study, "Weapons and Violent Crime," was conducted over more than 2 years by Professors James D. Wright and Peter E. Rossi of the Social and Demographic Institute of the University of Massachusetts. Their work was funded by a $287,203 grant from the National Institute of Justice of the U.S. Department of Justice. For further information about the study contact the National Criminal Justice Reference Service, Box 6000, Rockville, Md. 20850. Telephone: (301) 251-5500.

The FBI's Crime Index showed a 3-percent increase in volume during the first 6 months of 1981, as compared to the same period in 1980. According to Uniform Crime Report statistics released by FBI Director William H. Webster, the first quarter of 1981 registered a 7 percent rise in the Index over the same 3 months of 1980. The second quarter, as compared to its corresponding period in 1980, showed a 2 percent decrease. Collectively, violent crimes reported to law enforcement rose 5 percent in the first half of the year from year-earlier levels. Murder increased 4 percent, robbery jumped 11 percent, and both forcible rape and aggravated assault were up 1 percent. The property crimes, as a group, were up 2 percent in volume. Burglary rose 5 percent, and larceny-theft increased 2 percent. Motor vehicle theft, the only Index crime to show a decrease, fell 4 percent. Valid trend information for arson, the fourth property crime, will be available later this year when the preliminary 1981 annual crime figures are released.

Vietnam-era veterans who served in Southeast Asia represented less than 5 percent of all state prison inmates as of late 1979, the Bureau of Justice Statistics announced last November. On the whole, the Bureau noted, veterans were less likely to be in prison than were nonveterans. This was true for pre-Vietnam as well as Vietnam-era veterans more than 25 years old. Only among inmates under 25 did veterans make up a higher proportion than they did in the same age group in the general population. Even so, veterans made up only 13 percent of these younger prisoners. About 13.6 percent of the males in the general population between 18 and 64 years old are Vietnam-era veterans, and about 8 percent of the general population's males between 18 and 25 years old are veterans. The Bureau of Justice Statistics bulletin was prepared in response to a presidential directive to collect information on imprisoned veterans. To obtain copies of the bulletin, "Veterans in Prison," write the Bureau of Justice Statistics, Washington, D.C. 20531.

State legislatures have been responding in a variety of ways to the public's growing concern about crime victims and witnesses. A new publication of the American Bar Association's Criminal Justice Section takes a look at how recent victim/witness legislation is working and whether it is helping crime victims and witnesses. The 88-page report examines 20 legislative approaches designed to help victims and witnesses of crime. It considers their cost, their impact on the criminal justice system and their benefits and limitations from the victim/witness perspective. *Victim/Witness Legislation: Considerations for Policymakers* was written by Professor Gerald M. Caplan and Lisa Rodriguez of George Washington University Law Center and was edited by Susan Hillenbrand, coordinator of the Section's Victim/Witness Assistance Project. It examines a wide variety of legislation that provides for such things as financial assistance to victims and victim/witness service agencies; recognition and expansion of victim/witness rights, and protection for "special" classes of victims, such as the elderly. Copies of the publication are available at no charge from the ABA's Criminal Justice Section, 1800 M Street, N.W., Washington, D.C. 20036. For further information, contact Susan Hillenbrand, (202) 331-2260.

Attorney General William French Smith presented the Crime Prevention Coalition's first National Award to William L. Hart, chief of the Detroit, Michigan, Police Department, February 10 at the National Guard Association building in Washington, D.C. Chief Hart was cited by the Coalition for his outstanding leadership in furthering the goals of crime prevention nationwide and for developing exemplary crime prevention programs in Detroit, including neighborhood and business watch, citizen radio patrol, police mini stations, youth programs, and crime prevention for the elderly. The Crime Prevention Coalition is a group of 50 national organizations and Federal agencies and 17 state affiliates that guides the activities of the National Citizens' Crime Prevention Campaign and promotes the expansion of crime prevention programs throughout the country.

State prison inmates are predominantly poor, young adult, male recidivists with less than a high school education, the Bureau of Justice Statistics reported in February. The typical prisoner is serving an 8.5-year sentence, most often for a violent crime or a burglary, and is likely to have been incarcerated before, often first as a juvenile, and to have a history of drug and alcohol, abuse, according to the Bureau's new bulletin, "Prisons and Prisoners." The report is based on a census of each of the 791 correctional facilities operated by the 50 states and the District of Columbia and on interviews with more than 12,000 state prison inmates. Both the census and the inmate survey were conducted during the latter part of 1979. Copies of the bulletin are available from the Bureau of Justice Statistics, Washington, D.C. 20531.

The National Institute of Justice is sponsoring a series of national seminars to help local and state law enforcement and criminal justice practitioners maintain the quality of their services in the face of budget cuts, manpower reductions and other decreases in resources. "Cutback Management in Criminal Justice" is the title of the 3-day seminars which will be held in various cities through June. Cites of the first two seminars were Washington, D.C., and Los Angeles. Others will be in Louisville, San Diego, Boston, Chicago, and at the FBI Academy at Quantico, Va. Additional information may be obtained from Fred Wm. Becker, Program Manager, Cutback Management in Criminal Justice, National Institute of Justice, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

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A cumulative index of FEDERAL PROBATION articles for the years 1976—1981 has been published. Copies are available on request from the Probation Division, Administrative Office of the United States Courts, Washington, D.C. 20544

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Federal Probation

A JOURNAL OF CORRECTIONAL PHILOSOPHY AND PRACTICE

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This Issue in Brief

Can Corrections Be Rehabilitated?—During the last 30 years much progress has been made toward dissolving the barriers of hostility that generated violence and distrust between correctional staffs and prisoners. Because of forthcoming budgetary stringencies, rapidly increasing populations, and a vast increase in the level and frequence of violence, much of that progress is in danger of reversal. Author John Conrad feels it is urgently necessary to reduce prison intake by making maximum use of community-based corrections. He proposes a new model of sanctions that will be more severe than the present community corrections without resort to incarceration.

"It Only Gets Worse When It's Better."—This article by W. Clifford of the Australian Institute of Criminology, and the following article by Professor López-Rey of Cambridge, England, present two differing perspectives on world corrections. Mr. Clifford states that in the past 10 years regimes have changed or been overthrown, ideologies have been transformed, but corrections throughout the world has not changed all that much. Some of the older and outdated systems are yet 10 years more behind the times. In fact, he adds, corrections in its old form has a remarkable facility for surviving all kinds of revolutions and looking much the same afterwards.

Crime, Criminal Justice, and Criminology: An Inventory.—This article by Professor Manuel López-Rey attempts to demonstrate that crime is not an ensemble of behavioral problems but a sociopolitical phenomenon, that criminology should overcome excessive professional aims, and that criminal justice is increasingly unable everywhere to cope with the problem of crime, even within the limits of common crime.

Adopting National Standards for Correctional Reform.—The concept of correctional accreditation, according to Dale Sechrest and Ernest Reimer, is built on the foundation of humanitarian reform of prison conditions through the application of standards of performance. A Commission on Accreditation for Corrections was formed in 1974. The Commission, using trained professionals, has accredited over 250 correctional agencies including 80 prisons, having a total involvement of over 500 correctional facilities and programs of all types.

Volunteers in Criminal Justice: How Effective?—The acceptance or rejection of the use of volunteers in justice settings has been based primarily on personal belief rather than on sound empirical evidence, assert authors Sigler and

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Leenhouts. While many volunteer programs have been evaluated, the results are questionable because of methodological errors. Two methodologically correct professional evaluations have indicated that volunteeers are successful in working with justice system clients.

Volunteers in Corrections: Do They Make a Meaningful Contribution?—This article by Peter C. Kratcoski examines the roles of volunteers in corrections in the past, the advantages and problems associated with using volunteers in a correctional setting, correctional agency administrators' and staff members' attitudes toward them, and the motivations and satisfactions of the volunteers. The findings of a study of the characteristics and motivations of a national sample of volunteers in probation are reported.

A Delphi Assessment of the Effects of a Declining Economy on Crime and the Criminal Justice System.—The research discussed in Professor Kevin Wright's article utilized the Delphi method of forecasting in order to obtain an initial and expedient answer to the question of what effect economic adversity will have on the incidence of crime and on the criminal justice system. Certain types of crime are expected to increase; however, an uncontrolled outbreak of crime is not predicted. Specific economic factors are identified as the primary producers of fluctuations in the incidence of crime. Some elements of the criminal justice system are expected to be burdened by economic decline.

Presumptive Parole Dates: The Federal Approach.—The procedure adopted by the United States Parole Commission to avoid unnecessary indeterminacy in making its determinations relative to prison confinement, while at the same time allowing for consideration of significant changes in circumstances, is the focus of this article by Drs. Barbara Stone-Meierhoefer and Peter Hoffman. The presumptive parole date procedure implemented by the Parole Commission is described, and its relationship to the Commission's system of explicit guidelines for parole decisionmaking is discussed.

Court—Prosecutor—Probation Officer: When Is Discretion Disparity in the Criminal Justice System?—There is not yet in America any clear, consistent, rational policy regarding whether to pursue a correctional philosophy of rehabilitation or one of retribution. Former emphasis on treatment is being replaced by emphasis on punishment and uniformity of sentence. Supervising Probation Officer Robert L. Thomas believes traditional definitions of discretion and disparity are being prostituted to cover up the belated realization that after-the-fact solutions to crime do not work. What is really needed, he insists, is more realistic alternatives to traditional dispositions and a clearer understanding of who should or should not go to prison.

Rekindling the Flame.—The syndrome of burnout is a symptom of the crisis presently affecting the social service professions, asserts James O. Smith of the Pennsylvania Board of Probation and Parole. As such, the phenomenon presents both the danger of poorer quality services and, paradoxically, the opportunity for enhancement of services. Using as a general framework Maslow's heirarchy of human needs, this article maintains that through the medium of a comprehensive, inservice training program an organization can positively affect the "esteem needs" of its staff. The outcome of this relationship, as it is suggested, is higher quality service with less staff burnout.

All the articles appearing in this magazine are regarded as appropriate expressions of ideas worthy of thought but their publication is not to be taken as an endorsement by the editors or the Federal probation office of the views set forth. The editors may or may not agree with the articles appearing in the magazine, but believe them in any case to be deserving of consideration.

Can Corrections Be Rehabilitated?*

BY JOHN P. CONRAD**

SOME YEARS ago an English friend of mine called my attention to a quatrain that he had found inscribed in a cell in one of Her Majesty's Prisons. I shall recite it to you as a text for our proceedings this evening. Before I do so, however, I must explain that in the argot of British prisons, a *screw* is one of Her Majesty's Prison Officers; this definition may remove a possible misunderstanding of the poem I am about to offer you:

> All screws are bastards;
> Bastards born and bred,
> Bastards born of bastards—
> God strike the bastards dead![1]

We may admire the remorseless cadence of these lines, the economy of the diction, and the purity of the sentiment that is expressed. It conveys genuine feeling, the traditional aversion that blokes—as English prisoners refer to themselves—have felt for their keepers throughout generations of living together in the same prisons.

It is important to understand how this hatred came about—and hatred it was, on both sides. Until very recently, it was a disciplinary offense for a prison officer to speak to a prisoner except to issue an order. The screw was to engage in no conversation with the blokes, and blokes who approached screws were regarded with understandable suspicion by their mates. Such communications could have only one purpose: the exchange of information for favor. The only information a screw could be interested in would be the identity of some bloke who had violated a prison rule. Blokes who snitched on their mates could not be trusted and had a precarious future while in prison.

American cons have adopted precisely the same attitude toward the bulls, as they are usually designated. For example, I once had the experience of interviewing Frank W---, one of the most implacable and persistent murderers in the California prison system. At the time, Frank had been at Folsom Prison off and on for about 20 years. He was a man in his early forties, putting on a little paunch, and getting a little bald, but the juices of hatred seethed within him unabated, if in an unexpected direction. His victims had all been cons—he had never attacked a bull—and they had been stabbed by weapons that Frank himself had improvised out of bed-springs, spoons, and toothbrushes. I wanted to know how he justified his conduct. Everyone knew he was a killer, and no one was going to take a chance with his life by agreeing to testify against him. Although Frank was usually deep in The Hole, who knew when some inattentive bull might let him out?

I asked Frank quite directly about his attacks on his fellow cons. He was perfectly willing to explain. "I had to do it. They was rapping to the bulls." "What do you have against the bulls?" I asked. "I ain't got nothin' against the bulls. They got their job to do. But a con ain't supposed to rap with them."

The recollection of Frank's pure and undiluted hatred came back to me a few weeks ago when I had an opportunity to interview a group of maximum security convicts at the Penitentiary of New Mexico at Santa Fe. There were six of them. They had been brought down to the library from their Administrative Segregation cells in chains and handcuffs. They were accompanied by seven guards equipped with batons and mace, and attired in heavy denim coveralls rather than conventional uniforms. These elite guards are supposed to be the toughest and most fearless on the line; they are usually referred to as a "goon squad" and most maximum security prisons now have at least one such detail. All the prisoners I was to interview had been indicted for first degree murder because they had been identified as leading participants in the dreadful riot that took place 2 years ago. Whenever they left their cells they were placed in cuffs and chains and surrounded by the "goon squad," which kept them in sight throughout my discourse with them. I asked the guards to keep out of earshot; I thought that the discussion—which did not concern the riot—would be freer without their immediate presence. The guards willingly complied, and withdrew to a corner of the library where they watched rather casually while chatting quietly.

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*Based on an address to the Annual Meeting of PORT of Olmsted County, Rochester, Minnesota, January 13, 1982.

**Mr. Conrad, formerly of the Criminal Justice Center, Sam Houston State University, Huntsville, Texas, and the American Justice Institute in Sacramento, California, is presently writing from his own study in Davis, California. He is author of the "News of the Future" column which appears in each issue of FEDERAL PROBATION.

[1] Duncan Fairn. Review of J.E. Thomas, *The English Prison Officer Since 1850*, *British Journal of Criminology*, Vol. 13, p. 71 (January 1973).

The group interview went well; they were obviously enjoying the opportunity to get out of their cells and talk to a stranger. I was startled at one point when one of the most articulate of the group, stumped for a name, called out: "Hey, Rudy! Come over here a minute!" Rudy was the chicano lieutenant in command of the goon squad. He obligingly came over, and our man interrogated him in rapid Spanish. When he got the information he wanted, Rudy retired discreetly to the other end of the room.

What has happended? In the old days, when communication was barred by rule and custom, screws and blokes became objects to each other. A screw might be a decent family man, working at unpleasant but secure employment, or, occasionally, he might be the sadistic ruffian that some outsiders unfairly suppose them all to be. No matter. They were all bastards, all depersonalized objects for whom sentiments of hatred were both obligatory and natural. And, conversely, the blokes were all moral lepers, worthless men who could never be trusted. Many of them were considered so dangerous that they would kill you as soon as they could get to you. But in England as in New Mexico, that old barrier has crumbled. Prisoners have become differentiated and so have the guards. At Sante Fe, Rudy was okay, but he had a fellow lieutenant whose name came up repeatedly in our discussion as an unmitigated bastard, a man who would do unreasonable things that no other lieutenant would consider doing. In New Mexico, some bulls are still bastards born and bred, but some are not.

I think also of a vignette related to me by a colleague who was doing research on the conflicts in the prison community in one of the Nation's most noisome prisons. He had engaged in a group discussion of general conditions with a few fairly tough convicts. One of them said: "You have to understand that things are not the way they used to be. For example, last week my wife was standing on the corner waiting for a bus to go home after visiting me. One of the bulls stopped his car at the bus-stop and offered to drive her home. How are you going to hate a guy like that?"

This change is not universal. There are still prisons that discourage bulls and cons from having any but the most formal contacts with each other. That such a change has taken place in so many prisons says a good deal about the potentialities for decency in prison management. Confrontations between guards and convicts do not have to be bloody and tragic; indeed, there do not need to be any confrontations at all. They can be avoided, partly by intelligent and anticipatory management, and partly by allowing all concerned to know each other as individual human beings rather than as undifferentiated objects.

I firmly believe that this change in the quality of interactions between the keepers and the kept is one of the very few good things happening in prisons today. What more important lesson does anyone have to learn, if we are to continue as a civilized society, than to treat others as subjects, not objects; as individuals, not stereotypes? For the mugger roaming the streets in search of a score, you and I are not the wonderfully unique specimens of humanity that we know we are. We are no more than objects with cash probably in our pockets. It is a lot easier to rough up an object, and perhaps to kill him, than it is to administer the same kind of treatment to a person whose characteristics are known and respected. If in prison a mugger can learn that people are not all alike, that guards are not uniformed objects of hatred but men and women who can be understood and who may make an effort to understand in return, something useful can happen to some prisoners, as well as a process that contributes to the peace of the prison.

All that is in danger of extinction. I shall now turn to the gloomy phase of this discourse, hoping that if we understand the dangers we may yet avert them.

Corrections' Troubles

Throughout the Nation, corrections is in several kinds of trouble. Some of our troubles are not of our own making and beyond our control. Other troubles may be traced to the weight of tradition, to adjustments to urgencies in the recent past that have been too hastily resolved. There are few, if any linings of any color or description in the dark clouds I am about to describe, but I think, that if we look at them squarely, we may escape at least some of the storms that seem to be ahead. Dropping my meteorological metaphor, I think that solutions that are long overdue may be forced on us by the weight of adversity.

The most obvious trouble is budgetary, and I will begin with that. If there are any state governments that have no money problems this year, or for as far ahead as a fiscal expert can see, I haven't heard of them. Even in affluent Texas, where I have been living for the last several months, the word is out from the state capital that more will have to be done with less in every department of government. For some state services—highways and public schools for example—this admonition is new. It is an old story to corrections. No legislator wins votes by supporting new appropriations for corrections, and, as a result, correctional administrators learn to operate on lean rations. In most states, the fat is routinely stripped from budget proposals before they get to consideration by an appropriations committee. Budget reductions for any correctional activity will ordinarily cut into muscle. That sets in motion a vicious spiral. One guard must watch where there were two before. The introduction of contraband, the operations of prisoner rackets, and violence among prisoners become ever more difficult to prevent. No longer can the overworked guard or his harried superiors do the necessary anticipatory management that prevents trouble. No longer do guards and prisoners have that freedom of contact that builds relationships of trust and some needed channels of communication. The kind of community feeling that we glimpse in a few prisons can be expected to wither in the cold blast of cost-benefit analysis.

All this is happening at a time when prison populations are increasing as hardly ever before. During the first 6 months of 1981, the prison population of Minnesota increased at an annual rate of 6.2 percent and if that seems to be a serious problem to you, consider that the national increase during the same period was at an annual rate that was exactly twice the percentage in Minnesota—12.4 percent. There were only five states that experienced a decline in prison population during the first 6 months of last year, and there were several that had increases of more than 20 percent at an annual rate. In our Federal and state prisons we confined 343,695 people as of the last midyear count. That compares with 300,024 in midyear 1977; an increase of 43,671 or 14.6 percent. Prisons were crowded in 1977. Not many new prisons have been built since then. But we are locking up convicts at a faster clip than ever.

The effects of crowding defy statistical analysis, but it also defies common sense to think of any benefits. All of us know that people get lost in crowds, that familiar faces are hard to distinguish in large groups, and that it is easier to hide in a crowd if that is what one needs to do. The contagion of mass emotions and hysteria spreads more rapidly the larger the mass. In a crowd men do things that as individuals they would neither dare to do nor wish to do as individuals. In a prison, a guard learns to watch for the bad dude, but the bad dude learns ways to use the crowd around him to intimidate the bulls. We have had crowded prisons in this country for many decades. We have never learned to manage them well.

The third cloud of gloom is violence. Some of it is racial—blacks, native Americans and Hispanics taking it out on each other and on whites who too often find themselves in a minority status. Some violence is simply predatory, some of it is the importation of urban ethnic gangs into the prison yard, and some of it is the enforcement of the ancient convict's code, along the same lines as my acquaintance Frank W— at Folsom. The more violence there is, the more difficult it is to control, and the easier it is for the authorities to claim that in prison violence is endemic and that there is really little that can be done about it. We are told that of course there are knives circulating—prisoners can outwit them so easily, the authorities readily admit. When the number of guards on duty declines, this easy resignation to the inevitability of the knife and the lead pipe becomes even more plausible, and wardens and their subordinates learn to turn a blind eye to those aspects of prison life that should command the first priority on their attention.

What happens to decent relationships between staff and prisoners as this decline of control takes place? Guards learn to be fearful and to think of the convict as always potentially dangerous. Their superiors learn to devote their attention to preparing for the worst, believing that the worst is sure to happen.

And prisoners learn to expect that in this jungle in which they live, terrible things can happen and the guards will be powerless to protect them. They do what they think they must. Some will arm themselves with knives. Some will go into protective custody where, at the cost of long months and years in solitary confinement they can at least expect to survive the duration of their terms.

More gloom to come. As the preposterous result of the misunderstood conclusion of a poorly organized synthesis of some of the shoddiest evaluation research ever done, it has become an item of common belief, both among the general public and among many correctional people who should know better, that as to correctional rehabilitation, nothing works. That message has shaken the confidence of everyone concerned with correctional programs. It is fair to say that what little momentum had been attained in the development of programs has been mostly lost. After all, it is contended, if nothing works, why try? The answer to that simple question is that nothing is tried, that programs become static if they do not stagnate, and they are all in jeopardy from any policymaker who is obsessed with cost-effectiveness and bottom lines. The obvious result of this obsession is the prison of total idleness, from which programs have been eliminated because their effectiveness cannot be proved. To my knowledge, nobody has yet made a study of the cost-effectiveness of idleness as a program for the reform or control of prisoners.

Lack of educational and vocational training programs for prisoners would not be such a grievous loss if there were a full scale industrial program to occupy them. For a country so loudly devoted to the work ethic as the United States, we have been remarkably inattentive to the need for its inculcation among the criminal elements. The Yankee ingenuity that has gone into prison architecture, administrative diagrams and flow charts, and the application of high technology to the maintenance of security has not been channeled into practical support for industry. In most American prisons there is no noticeable commitment to the ancient persuasion that prisoners should be subjected to a regime of hard labor. In most prisons, a prisoner is lucky to have any labor at all to do. What is the message that the idle prisoner receives as he sits in a dayroom watching daytime soap operas, or lies on his bunk reading paperbacks, or dozes in front of a machine during an extended coffee break? What is the message the guard receives, or the citizen touring the prison? I think the consensus of all unthinking observers is that these convicts are shiftless, lazy good-for-nothings who deserve nothing better from the state than the wretched conditions in which they live. There are solutions to the prison industry problem and it is pleasing to note that Minnesota is a state in which some of these solutions can be seen. Most prisoners here put in a fair day of work, and some of that work is done in conditions of employment that resemble those that can be found in industry in the free enterprise system. Minnesota is in a minority of states that enjoy leadership that is sensitive to the work ethic as a necessary element in rational prison management.

Those are the specifics of present gloomy trends. I have not mentioned all the prevailing miseries: the low standards of recruitment for guards, their poor pay, their meager training, their inadequate supervision, and their misguided unions. Nor have I dwelt on the lack of any consensus among judges or legislators or correctional leaders themselves on the best direction for correctional policy—with the result that there are thousands of people going to prison every year who should be retained in the community on programs that would benefit them as well as the community they have harmed. I have so far omitted mention of the determination of lawmakers to display their toughness on crime by hiking mandatory sentences to inflexible but impractical extremes. I have not bewailed the demise of the Law Enforcement Assistance Administation which, for all its faults, did much to improve corrections across the board. Everywhere one looks there is gloom to be found and in some directions the gloom can be expected to deepen.

But I must say something about the changes that seem to impend in the larger world in which corrections is embedded. The trend toward individualization in penal affairs was the product of the wonderful climate of optimism that prevaded the post-World War II era from the late forties until our embroilment in Vietnam. Those who lived through that period, as I did, remember it is a time of extravagant self-confidence. We had succeeded in a great national effort, we had won a war against two powerful and stubborn enemies, and everything seemed possible. The economy was growing, the country was indisputably the most powerful in the world in every respect, and problems had only to be defined to be solved. So it seemed.

Now we find ourselves in a condition that seems the reverse of our situation in those wonderful years. Everything we do, everything we ever thought about ourselves is in question. The economy is not growing, and some say that it never can be expected to grow at the rate it once did. Opinion polls extract the perception among the fathers and mothers of today's children that their sons and daughters will not fare as well in life as they have done. And many of these contemporary mothers and fathers perceive that they have not done as well as their parents.

In a zero-growth economy, it is inevitable that the national ethic must change. The altruism that comes easily when each of us sees that his share in the economy is growing will give way to a determination to keep what we have in a shrinking economy. Measures to redirect criminals or to reintegrate them in a society that had rejected them—and which the criminals themselves had rejected—no longer have the appeal that they once had. To keep a man in a prison cell that cost $75,000 or more at an annual cost of $15,000 or more might have seemed absentminded generosity in days gone by, but of no great moment if that was what it took to keep that man off the streets. Now it seems like governmental waste too prodigal to tolerate. The gloom that gathers over corrections has its own special features that I have described earlier. It is related to the general gloom that spreads through our society today. I am neither an economist nor an all-purpose pundit; I will refrain from inflicting on you my opinions about the larger social trends. But I think that positive things can be done to rehabilitate corrections. I want to turn now to some ideas for improvement. The situation is indeed terrible, and we must not allow it to get worse. Our Yankee ingenuity must be applied to the re-creation of optimism. That should not be an impossible task as the citizens of Rochester have good reason to know from their experience with PORT.

What ARE the Purposes of Criminal Justice?

We must first clear up a muddle. It begins with fuzzy thinking about the purposes of criminal justice and misapprehensions of its capabilities. It leads on to an irrational system in which some offenders, not more than 20 percent of the most serious criminals in most states, wind up serving long sentences in these awful prisons we maintain, whereas most of the rest find themselves punished by a stretch on nominal probation, a suspended sentence, or perhaps a few weeks in a county jail. For a man inclined to the commission of crimes, the odds that he can get away with it are pretty good, even if he is unfortunate enough to be arrested.

I maintain that crimes must have consequences and the criminal justice system exists to administer these consequences. In any society, whether the most oppressive or the most tolerant, actions must have consequences. Merit and effort must be rewarded or we will have less of either; wrongdoing must be punished, partly to maintain a social balance, partly to assure that there will be less wrongdoing. At this point it's hard to be as clear as I would like to be. Some of my criminological colleagues are going to point out that I am talking about deterrence, and no one has ever proved that punishing criminals has much effect, if any, on the number of crimes committed. We will never know for sure the truth of that issue. What is indisputable is the public consensus that wrongdoers cannot be allowed to go scot-free; they must not get away with their crimes. When public opinion polls regularly report that between 80 and 90 percent of our citizens think the courts are too lenient, the only possible conclusion is that the public thinks that whatever else the courts are doing, they are not punishing felons with sufficient severity. Some critics of the system deplore this attitude toward criminals as benighted vengeance. They argue that instead of concentrating on doing harm in retaliation, we should create conditions that will make a life of crime less likely and less attractive. So we should. That will be a long campaign toward a goal of social reform for which we have no program. Until we have reached it, we still need a system in which the consequences of crime are fairly, surely and humanely administered. That is a practical goal, one which seems to be in plain sight in Minnesota, if not everywhere in this country.

If we have learned anything at all from our generations of experiments with punishment, we ought to know that it is a two-edged sword. It may be satisfying to put a malefactor behind bars and then to forget him, but we lose heavily if he emerges as a social cripple. If his experience in prison is brutalizing, as happens too often in this country, he will be eager to get even with a society that has mistreated him or he will be so demoralized that a normal productive life is impossible. Either way, he is an inevitable public charge, most likely occupying one of those expensive cells again. Our objective must be to administer punishment in such a way that the offender can be reconciled to the society that has punished him. That objective is difficult, but not impossible, in prison. It is more easily reached in the community. For many years, advocates of community-based corrections have been urging that course with more success than they deserve.

That is a startling statement to make here at a celebration of the PORT movement, and I must explain it. Most community correctional programs consist of a stretch on probation during which nothing happens or will happen if the probationer minds his own business and does not attract the attention of the police. The probation officer is far too busy dealing with probationers who have become too visible; he cannot attend to the problems of those who do mind their own business, no matter what business it is that they are minding.

The public and the courts cannot have much confidence in nominal programs and they should not. The result is that a lot of criminals who are not violent are sent to prison because society will not tolerate the trouble they cause, and the courts are pretty sure that more trouble will be coming if they are merely placed in probation.

The great virtue of a program like PORT is that something happens to an offender. A sanction is imposed, and it cannot be seen as a pleasant experience except that it could be much worse—as for example a term of years at Stillwater. The secondary virtue is that when this sanction is imposed, the offender is encouraged to make his peace with the community, and, to the extent possible, given the means to make reconciliation a realistic prospect. That there are still only a handful of organizations like PORT throughout the country after all these years says a great deal about Rochester on the one hand, and about the difficulty of the task and its complexity on the other.

A Bureau of Offender Supervision

I want to propose a simpler solution to this problem of creating a realistic system of sanctions. It can be put into place in cities less fortunate than Rochester; under some circumstances, it might even be useful here. Let us set up a Bureau of Offender Supervision, to be administered by the courts or possibly by the police. All offenders not sent to prison would be required to make reports—daily, weekly, or monthly—as the situation seems to require—in person to an officer of the court or of the police. Let us limit the responsiblity of this Bureau of Offender Supervision to receiving reports, to the investigation of their veracity, and to filing reports to the court when there have been violations of the law or of the terms of supervision. And let us leave to a separate organization the provision of services and the counseling that people in serious trouble will always need. Sometimes an organization like PORT will be in the community and can be built into such a helping system. And sometimes the community will have to rely on private social and health agencies or create a public agency to provide these same services.

What I am urging here is the continued development of the PORT idea from which so many of us have drawn so much encouragement in years past. If my general prescription can be filled in detail, and a lot of details will be needed, thousands of men can be spared the miserable and destructive experience of incarceration in an American prison and led into paths toward constructive citizenship. Every time they make their report to the Bureau of Offender Supervision they will be reminded of the unpleasant consequence of their wrongdoing. If they violate the law or fail to report as required, they will be arrested and sent to jail. But from the time of sentencing on, they will know that the resources of the community are freely available to them for the help they have to get if they are to resume their citizenship.

What would a plan of this kind accomplish? Let me quote for you from an address by William Temple, who was Archbishop of Canterbury for a few years after World War II:

> To forgive may be right; to condone. . . is always wrong. The first duty of the state is to dissociate itself from the act of its own member; to do this it must act, not only upon, but against this member. Just because he is a member his act implicates the community unless the community repudiates it. . . .
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> But this is also the first duty of the state toward the criminal himself. He needs, as we all need, sympathy; he needs, as a sick man needs, diagnosis of his disorder and appropriate remedial treatment; but above all he needs, as a preliminary to any good effect of these, the reassertion both of the moral law, which he has by implication denied, and of his own personal responsibility towards it.
>
> But he never is only criminal and nothing else. And while the community is bound for his sake as well as its own to treat him as a criminal if he is proved to be one, it is also under an equal obligation to treat him as a human being whose lapse into crime is no more than an incident, even though, at the moment, it be the chief incident in question. . . .[2]

In these eloquent words can be found the true basis for programs like PORT or proposals like mine for the creation of yet another new bureau. The assertion of the moral law, the affirmation of the law of the land, must take place in a clear and unambiguous repudiation of the criminal act. But the man who committed that act is always more than a criminal. If we treat him as a citizen rather than as undifferentiated object of hatred, he may learn that his lapse is not an insurmountable obstacle to reconciliation. If I understand PORT and the principles that justify its existence, you have been putting into practice Archbishop Temple's exhortation. Retribution—the repudiation of the criminal act—must precede reform of the criminal. Unless we have both we can have neither. Observance of this simple principle can lead to the rehabilitation of corrections. Its neglect will lead only to the continued and aimless bloating of our prison population to hundreds of thousands more men and women during the troubled years ahead.

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[2] William Temple, Archbishop of Canterbury. *The Ethics of Penal Action*. The Clarke Hall Lecture, delivered on 19 March 1934, pp. 30-32.

"It Only Gets Worse When It's Better"

A Brief Review of World Corrections in the 1980's

BY W. CLIFFORD

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AS A THEME for corrections in a world perspective, one could do a lot worse than adopt the comment once made by a black inmate to Raymond K. Procunier, director of the California Department of Corrections: "It only gets worse when it's better." There is a depth of meaning to this which Procunier explained when he reported the comment to the U.S. National Conference on Corrections held in Williamsburg in December 1971. In the 5 previous years the California correctional system had been immensely improved; the prison population had been reduced by 8,000, double celling had been eliminated, and over 20,000 3-day passes were now normal—to mention a few of the improvements. Yet nine prison employees had been murdered in the previous 2 years as compared with only four in the 17 years before that. Strife was rampant in the institutions which were once the pride of the State and public criticism of both permissiveness and severity had increased.

Ten years have passed, regimes have changed or been overthrown, ideologies have been transformed, but corrections throughout the world has not changed all that much. Some of the older and outdated systems are yet 10 years more behind the times. In fact, corrections in its old form has a remarkable facility for surviving all kinds of revolutions and looking much the same afterwards. And across the world it still seems to get worse when it gets better. I can still remember as one of four international experts invited to Williamsburg in 1971 feeling slightly embarrassed at the extent and the vehemence of the United States breast beating at that Conference. It seemed that nothing bad enough could be said about corrections in the United States. Certainly there had been scandals, repression, discrimination and some institutions badly needed updating; but the best and the worst of nearly anything can be found within the 50 States. As outsiders we had firsthand knowledge of much worse systems widespread across the world that were occasioning no shame or recrimination—many of which had drawn initial inspiration from United States models. If poverty and morals are relative, so are prison standards and the levels of freedom and justice. So we could see at Williamsburg that dissatisfaction was relative, being generated as much by the lack of a social consensus and rising expectations outside the prisons in the United States and Europe as by any proven injustice within.

On any correctional map of the world the turmoil and discontent in prisons generally peaks in those areas where conditions have been improved, where rights have been respected and where there are ample provisions for the personal development of both inmates and staff. The "peaceful" valleys are often to be found where accommodation is poor, prison populations large, programmes are inadequate or nonexistent and where the quality of staff leaves much to be desired. This is not always true: There are some notable exceptions like Hong Kong and Japan, where improvements have certainly not disturbed the traditional tranquility of the correctional systems. But such exceptions merely underline the rule.

There are countries where the conditions for prisoners are atrocious but where riots are unknown and attacks on staff would be unthinkable. There are still places where maximum security prisoners are shackled and inadequately fed as a matter of policy; but there are no committees agitating for reform or organising claims for compensation. Repressive regimes rarely have prison problems and there were no collective challenges to authority in concentration camps even when inmates were being processed for the gas ovens. In one Communist country where I was allowed to visit the prisons as a U.N. official, I had a "lifer" obediently explain to me how much he *enjoyed* his detention by such understanding guards. We do not hear of prison riots in South Africa, where most of the correctional staff are black and where a U.N. adviser reported to me that the U.N. Standard Minimum Rules are displayed in the institutions he visited. The Thai Department of Corrections has more problems with its foreign inmates (to whom it grants concessions so that they are not submitted to the low local levels of incarceration) than it has with its own nationals whose families are required to supplement the frugal prison fare. The foreigners usually have diplomatic and/or legal representation and can get messages to the press. In other words, their conditions are better and prison staff find it worse. Nor should we glide too quickly over the lack of protest from the inmates or their families and friends in countries which have returned to—or still apply—the strict *hadd* punishments of the Koran. Hand chopping and public execution are accepted as necessary in those Islamic societies.

In Africa and Asia many developing countries have to try to recover the costs of imprisonment from the labour of the inmates. They are used on public works or development projects, they run farms and help to build their own institutions. There is no public or union challenge to this use of prison labour even where there is massive urban unemployment. The problem is often to ensure that, with guaranteed shelter and clothing, food and recreation, the prisoners do not fare better than the poor, law abiding, people outside who struggle to subsist. In many countries and especially in the Latin American region, there are more persons detained awaiting either trial or sentence than there are prisoners actually sentenced. In such countries it is not unusual for a person to have already been in prison when he is sentenced for a period exceeding the sentence which he is awarded. In Sri Lanka, where there is a disproportionate tendency to remand accused persons in custody, open institutions have been set up for persons remanded in custody—thus demonstrating, *inter alia*, that they could have been bailed. On the other hand, the fact that there are so many people in the Mexican prisons not really subject to all the restrictions which apply to convicted and sentenced offenders has encouraged that country to experiment with ways of allowing such inmates to organize their own trades and professions for the benefit of themselves and the institutions. In Costa Rica, when a few years ago they still had prisoners kept on an island off the coast (which has now become a tourist island) they permitted the prisoners to move freely about, live in individual huts, and to organize markets for sundry visitors from the mainland for the sale of their own handicrafts.

Everywhere across the world cultural values and social habits condition the relations between inmates and staff. In Japan a prisoner bows to the judge when he receives his sentence and in prison he respects the authority of warders. If they are not gangsters enhancing their reputations by imprisonment, prisoners are likely to be ostracised by the families or communities they have shamed by their offence. In Papua New Guinea, imprisonment is considered no answer to the need to "pay-back" the offender and he may have trouble with the relatives of the victim on release if he does not make amends by providing service or compensation. In Tonga, prisons and imprisonment for the islanders do not carry the stigma associated with them in the West, so that an "ex-prisoners club" is flourishing. It is not used for reform or to attack the system, but to raise funds for better accommodation or recreational facilities for the inmates. In Fiji unarmed warders supervise outside working parties of husky prisoners equipped with "machetes" to cut down the undergrowth. In the Philippines, the prisons are recognised for their contributions to blood banks. An average of 2,000 bottles of blood have been given yearly by the inmates, 21 of whom have donated kidneys. Just as Japanese prisons have become economically viable and productive centres of industry with the latest factory equipment, so the Philippine prisons have developed huge plantations growing bananas and abaca for export. In Taiwan the prisoners are indoctrinated with the thought of Sun Yat Sen to match the indoctrination with the thoughts of Mao, which used to characterise prisons on the Chinese mainland. In Indonesia in the early 1960's Dr. Sahardjo set a pattern for independence by calling prisoners *tersesat* (i.e., those who have made a slip) instead of *penjahat* (i.e., criminals). This means they are regarded as people capable of repenting. They now come under the *Sistem Pemasyarakatan*, which concentrates more on treatment than on punishment or retribution. This policy is conveyed to the new inmate during orientation which includes lectures on the national ideology and the morality of *Pancasila*. The Director-General of Corrections in Indonesia, Mr. Ibnu Susanto, has written:

> In practice there is little chance for a prisoner to regress because he can always address himself to his adviser or counsellor. The latter is a member of the correctional staff whose task is to guide and supervise one or several prisoners all the way till their release on parole or unconditional (final) release. The fact that the adviser also sits in the Council of Treatment and Guidance is a further guarantee of the prisoner's progress and positive response to the treatment.[1]

Another common feature of correctional systems across the world is that, with the possible exception of Islamic punishments, they are based on Western models. At a time when United States and

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[1] Ibnu Susanto, "Shifting the Climax." Chapter on Indonesia in W. Clifford (compiler) *Corrections in Asia and the Pacific*, edited Peter Kay and Tim Isles for the Australian Institute of Criminology: Australian Institute for Criminology: 1980, p. 149.

European experts were instituting prison reforms based on the "penitentiary" borrowed from the incarceration of recalcitrant monks in Italy or on the Auburn system or when the Quakers were campaigning for more liberal approaches, the colonial systems were busy erecting, in the new colonies, blueprint versions of the prison buildings in the West. Often these were totally inappropriate for native peoples accustomed to dealing with offending by compensation but they prevailed. Even countries that were never colonised like Thailand and Japan, eventually remodelled their own systems on Western lines, since at that time it seemed that all power and wisdom flowed from the industrialised nations. So many countries now awaking in Asia, Africa, and Latin America to the potential for new approaches to corrections in their own prevailing community and family cohesion, are hampered by prison services inherited from colonial days or adopted during the 19th century imitations of the West. It is true that they have often adapted these to their own requirements so that however similar they may appear from the outside, they differ within. This is shown by the extensive discretion vested in public prosecutors in Japan or that country's use of 60,000 volunteers to run the probation system, by the use of amnesty rather than parole to clear the prisons in Thailand, by the Tanzanian introduction of mandatory corporal punishment following independence, by the way Papua New Guinea has enacted a modern statute against sorcery and incorporated customary law and customary penalties into its national system of criminal justice. Still the Western patterns have a strong influence and even correctional workers trained abroad tend to bring overseas conflicts to their own country for resolution rather than to find new approaches based on local needs and priorities. There are signs of this changing as these other regions become disillusioned with the ineffectiveness of Western measures for dealing with serious crime, but change is slow.

The communist countries are a special case, because they have been less willing to expose their correctional systems to Western scrutiny. It seems clear, however, that their basic principles of corrections lead to institutions like those in continental Europe from which area they adopted their prerevolutionary legal and correctional systems. The criminal justice systems are designed to serve political purposes, but they generally end up after the turmoil of the revolution with judges, prosecutors, police, and prisons that are familiar. Often they are still using the old prison buildings. There was once a fascination in the West for the Russian type of re-educational centres (especially for problem juveniles) and for labour camps rather than prisons. These days there is a great deal of suspicion of such euphemisms when it is known that "treatment" may imply commitment to a mental institution for the dissident or that "re-education" may mean conditioning of a type which would undermine individual integrity. Indeed the fact that in a Marxist world there are no social problems—only educational and health problems—leads to concern for human rights. There are no social problems, so that a person who is maladjusted to the system of socialism must be either in need of education or medical treatment. This can have horrendous implications for intellectuals who criticise the system or break laws enjoining loyalty to the party. Technically offenders, they may be subjected to various forms of "behaviour modification." Maybe Western concern is exaggerated—informed as it is with accounts of life in the gulags. Perhaps, in general, their systems operate like ours with conventional offenders. We do not know much, however, because the details are not often made public.

Clearly reform and revolt are historically linked. The fact that it gets worse when it gets better is behind most revolutions. People cannot really organise or mobilise for revolt as long as they are scrambling for subsistence or totally repressed. When the yoke is eased and they have more freedom to manoeuvre, they are able to give more trouble to the privileged or superior. This is what happened with the French and Russian revolutions and it is typical of prison upheavals. Russell G. Oswald, Commissioner of Correctional Services for the State of New York, was already making reforms when the Attica riots erupted. Just a week before it happened, he wrote about a tape-recorded message he had had played to all prisoners at Attica:

> My recorded voice reported the reforms we were making everywhere in the State. . . .[2]

Of course, this is not argument for withholding reforms or refraining from needed liberalisation to avoid trouble. It is impossible to condone repression or harsh conditions so that improvements cannot be deferred because they involve disruption. It is merely to provide another reminder that freedom has a cost—it involves risk and is never really achieved without disturbance. The only reason Russia has more trouble now with its dissidents than in the Stalin era is that however totalitarian it still is, it is more liberal than he used to be. China quickly discovered that when it loosened the bonds after the death of Mao tse Tung, it had more trouble with people, more adventurism—even more crime. Where correctional systems across the world are quiet, but uncomfortable for inmates, it may be that there is acceptance because it is only physical discomfort—discontent is not rife. Feelings of injustice have not been engendered and few prisoners feel themselves to be political prisoners or victims of the system. The resignation may be philosophical or traditional—an outgrowth of generations of pacifist Buddhism or Hindu fatalism or else a consequence of the ingrained habit of conforming to authority in a hierarchical society. On the other hand, the silence may not be either acceptance or resignation but a result of stifling repression, exclusion from contact with society, isolation from the media, restriction of movement to a single room or worse.

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[2] Russell G. Oswald, *Attica – My Story*, edited by Rodney Campbell. New York: Doubleday and Co., Inc., 1972, p. 210.

On such criteria, the disruption in Western correctional institutions is healthy. It is a testimony to the levels of freedom and facilities for normal democratic mobility within the limits of the law governing corrections. The problem is to draw the line between this and the chaos in correctional administration which denotes an absence of policy, a failure to lead and an inability to handle challenges to authority. A measure of freedom may be necessary for disorder but disorder stifles freedom for the majority. Genuine protest may be a valuable agent of change. Calculated false or malicious protest can serve destruction for its own sake. So, if it must get worse when it gets better, let us at least ensure that the worse does not destroy the better. The Reign of Terror cancelled the benefits of the French Revolution. The loss of life at Attica was a large price to pay for the realisation that political activism had gone too far. Corrections throughout the world needs discipline and industry to maintain morale and make prison life bearable for staff and inmates alike. A comparison of prison systems across the continents shows that humanity and compassion, trust and understanding are needed to leaven the lump of correctional responsibility—not to make it more unmanageable.

Crime, Criminal Justice, and Criminology: An Inventory

BY PROFESSOR MANUEL LÓPEZ-REY, LL.D.*

GRAPHICALLY the growth of crime, the impact of criminology and the effectiveness of criminal justice may be represented by a triangle the largest side of which corresponds to crime, the smallest to criminology, and the medium to criminal justice. Why such a lack of proportion? There are many answers: One is that since crime is the subject matter of the other two it must necessarily hold the first place. It may also be said that inasmuch as crime is the result of constant socioeconomic and political change the place it occupies is the logical result of such condition. A third answer is that while criminal justice and criminology are subject to budgetary provisions this is not the case with crime. Although valid, none of these answers is satisfactory as long as crime is almost exclusively confined to common crime, criminal policies continue to be formulated on a piecemeal basis and not as part of general socioeconomic and political development, and criminology regarded as a behavioural discipline.[1]

Within the limits of this article an attempt will be made to demonstrate that crime is not an ensemble of behavioural problems but a sociopolitical phenomenon, that criminology should overcome excessive professional aims, and that criminal justice is increasingly unable everywhere to cope with the problem of crime, even within the limits of common crime.

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[1] Among other recent publications see, *Criminology, New Concerns*, 1979, edited by E. Sagarin, and *Criminology*, 1980, by P. Wickman and P. Whitten.

Crime

What in many cases are called new crimes are only modern *modus operandi* of old criminal offenses. As it was aptly put by the United Nations Committee on Crime Prevention and Control, doc.E/CN.5/516,1974, the existence of new modalities, particularly violent ones, does not imply the appearance of new forms of crime. It is true that in certain cases for political and other reasons new legal labels seem to be justified and accordingly new penal laws promulgated or international declarations or covenants adopted. This happened with genocide, torture, cruel, inhuman and degrading treatment or punishment, kidnapping and ransom, terrorism and missing persons but these and other modalities are aggravated forms of old crimes against life, physical and mental injury, freedom, etc. The enactment of special penal laws and the entry into force of international conventions, more and more numerous, have not yielded the results expected. Genocide is still being committed by parties to the convention and the criminal violation of human rights is also perpetrated by a considerable number of parties to the two 1966 United Nations conventions on economic, social, cultural, civil, and political rights.[2] Moreover if caught, the vast majority of offenders involved in the criminal violation of human rights are not very receptive to rehabilitation programmes.

Crime is as old as mankind and has been committed by the man in the street as well as by the highly placed for personal, political, ideological, economic, religious, international, and many other reasons. History shows that often it was committed, sometimes on a large scale, under cover of official, even royal, position or as a sequel to patriotic, revolutionary aims or in pursuance of important economic, industrial, scientific and other interests. What happened is that in Western conservative industrial society the problem of crime was in practice conveniently reduced to common forms of crime against persons, property, public order, State security, and public administration. Generally only international crime was taken into account. Such a conventional approach was in full accordance with the socioeconomic and political structure of that society and was transplanted into the colonies or widely accepted by other countries particularly in Latin America and Asia. It was also in this society that the structure of penal systems was established and that as a compensation for social injustice the concept and machinery of juvenile justice as a welfare undertaking was created and criminology born.

While the treatment of offenders received great attention, the prevention of crime, although constantly proclaimed as the more important aim, received very little. It suffices to look into the manuals of criminology to see that while justice and treatment matters get hundreds of pages, prevention rarely gets more than 30 or 40 and the preventive measures recommended have remained practically the same for many decades: organization of clinical centers and the recreational programmes, the increase of playgrounds and youth clubs, reducing unemployment, social work with near-delinquents, sociopsychological consideration of recidivism, and, more recently, greater use of physical measures of protection against crime. Their preventive effect in industrial society was not what was expected and still is less satisfactory in contemporary postindustrial society where juvenile and young adult play a greater role than before. Although some references may be found to the planning of criminal justice, it is often misunderstood: More often than not what is mentioned is the compilation of State penal laws, the gathering of data, the organization of data banks, the formulation of models, and the need for greater participation of the community in law enforcement tasks. Yet the planning of criminal justice as part of national or state planning was already recommended by the Second U.N. Congress on the Prevention of Crime, London 1960, and stressed at the Fourth and Fifth Congresses, Tokyo and Geneva, 1970 and 1975 respectively.

The participation of the community in the penal system has always existed and the jury and law magistrates are significant examples. In some developing countries village courts and other modalities are in full operation although the results are not always as satisfactory as expected. One of the reasons is that rural areas are gradually coming under the depersonalization process of postindustrial society in which services and bureaucracy play a dominant role and that in many countries such areas are the battlefield of dictatorial government forces and opposing guerrillas of many sorts.

Greater participation of persons and groups in law enforcement activities requires frequent individual and community contacts; easy mobility and safe ways of transport particularly in metropolitan areas; growing confidence in law enforcement machinery and a reasonable feeling of individual and collective security. A comparative study of the crime situation in developed and developing countries shows that in the big urban agglomerations, the increase of which is one of the features of lack of planning in postindustrial society, the fear of being a victim of crime, has led to what may be called "daily house arrest" by staying at home as much as possible.[3] Such fear, which actually is the composite product of the other factors, makes extensive and effective community cooperation extremely difficult. The study of violent crime and lagging criminal justice shows a clear relationship between these and unplanned development, out-of-proportion urban growth, increasing public apathy vis-a-vis violent crime and victims, and persistent claims for more severe penalties. Violent crime and lagging criminal justice are typical characteristics of big urban areas in capitalist and socialist countries. The situation will be out of hand by the year 2000 if account is taken of U.N. projections for most urban agglomerations. In that year Mexico City will have 21 million inhabitants, Sao Paulo 26, Rio de Janeiro 19, Jakarta 17, New Delhi and Buenos Aires 12.[4]

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[2] For a list of existing conventions see, *Human Rights. International Instruments. List of Signatures, Ratifications, etc.* United Nations, 1980. Altogether 19 are listed.

Public attitudes are not always the best guide for the formulation of criminal policy but neither can they be ignored especially when community participation in law enforcement is sought. As far as treatment is concerned some experiments of such participation have yielded gratifying results but in order to be reasonably effective in the prevention of crime such participation demands an almost radical transformation of contemporary penal systems as well as many of the existing national development programmes.

With respect to common crime the data concerning the U.S.A., Federal Republic of Germany, France, Austria, United Kingdom, Sweden, India, and Venezuela, to cite a few, show that in the decade of the 1970's the increase, particularly of violent urban crime, cannot be explained by greater sensitivity in reporting criminal offences and more effective action. Even if these and other factors play a positive role, the fact is that as the U.S.A. report states "law enforcement alone cannot cope with the grave social ill."[5]

In Africa and Arab countries statistical data are scanty and seldom reliable. One of the exceptions is South Africa, the criminal statistics of which show how the inhuman policy of *apartheid* increases illegitimately the amount of crime. At present, crime is regarded in Africa as one of the most serious problems and all signs point to an alarming rise in criminality particularly among juveniles.[6]

Socialist countries do not facilitate police statistics but this does not prevent them from asserting that under socialism crime is decreasing. This may be the case with respect to some forms of common crime but not always as far as the official or semiofficial criminal violation of human rights is concerned. Careful reading of some publications allows the conclusion that even some modalities of common crime are increasing. In *Criminality and its Prevention, Czechoslovak Republic*, 1980, by Jan Pjescar, it is stated that during the period 1970-78 crime remained more or less constant, that crimes against the socialist economy account for more than a third of the whole criminality, that the damage caused by crime is still very high and that according to forecasts it is possible to expect by 1985 a declining trend in crime. The analysis of other monographs submitted like the previous one to the Caracas Congress, shows that some types of crime, particularly violent crime, is not decreasing in all socialist countries whatever is said to the contrary. With respect to the USSR the extracts of the circulars of the General Public Prosecutor's Office published by the Moscow press show how often all authorities are urged to take effective steps against crime.

With respect to nonconventional crime, the criminal violation of human rights, ecological, industrial and economic offenses, criminal corruption and terrorism far exceed in many countries if not the number, at least the gravity of most of the corresponding common offences. In some cases the number of "missing persons" conservatively estimated is not less than the number of common homicides in the same period. Such is the case, among others, of Argentina for 1976-80. In many countries the illegitimate use of power, including revolutionary power, means the perpetration of a variety of criminal offences defined as such by the penal codes in force.[7]

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[3] Reports on such fear are too numerous to be cited here. They have been conducted since 1975 in many developed countries. Data concerning big urban areas in developing countries such as Mexico City, Caracas, Sao Paulo, Lagos, Kampala, and Bangkok are available and have been taken into account by the writer.

[4] See *Patterns and Urban Population Growth*, 1980, United Nations. On the other hand, in some developed countries there is sometimes a decreasing trend in the big metropolitan areas. Among the reducing factors fear should be included.

[5] See *Crime in the United States 1980*, Uniform Crime Reports, 1981; *Polizeiliche Kriminalstatistik* 1980, Bundesrepublik Deutschland, 1981; *Compte General de l'Administration de la Justice*, Ministere de la Justice, 1981; *Polizeiliche Kriminalstatistik* 1980, Osterreich; *Criminal Statistics, England and Wales 1980*, HMSO, 1981; *Statistik meddelanden 1980*, Stockholm, 1981; *Crime in India, 1976*, Ministry of Home Affairs, 1980 and *Estadistica delictiva 1978*, Ministerio de Justicia, Caracas, 1980.

[6] See *Crime in African Countries* by E. Paul Kibuka in U.N. International Review of Criminal Policy, No. 35, New York 1980 and *Nigerian National Paper on the Prevention of Crime*, 1980, Government of the Federal Republic of Nigeria, submitted to the Sixth U.N. Congress, Caracas 1980.

[7] See *Bribery and Extortion in World Business, 1977, A Study of Corporate Political Payments Abroad*, 1977, by Neil H. Jacoby, P. Nehemkis and Richard Eells, which examines the situation in different world regions and points out the connection between socioeconomic development and political payments; *Corporate Crime*, 1980, by Marshall B. Clinard and Peter C. Yeager where the relationship between corporation activities and crime is studied. Of particular importance is the *Report of the Interregional Meeting of Experts on Crime and the Abuse of Power: offences and offenders beyond the reach of the law*, United Nations, New York 1979.

As a result of a historical and sociopolitical process the industrial society has been gradually replaced by the postindustrial: The transformation was badly needed. Rightly new independent countries were born but only a few have been able to set up stable democratic regimes. As a counterpart ideological and revolutionary movements and organizations became violently active at the national, international, and transnational levels. Although in some cases violence may be justified, the justification cannot be transformed into a general rule and very seldom is it able to solve the injustice involved.[8]

What has happened is that in contemporary postindustrial society crime has asserted itself as what it always has been, i.e., a sociopolitical phenomenon and not an ensemble of behavioural cases most of them concerning common crime. Essentially crime has become a human rights problem affecting individuals as well as regimes of many sorts, minorities, nationalities, and even countries. The main fundamental human rights involved are freedom, dignity, equality and security. Among many other things to be considered is that the offender is not only the common offender.

Criminal Justice

At present the main features of criminal justice are: lagging justice, increasing impunity, lack of appropriate legal assistance to the needy, prison overcrowding, scarcity of prison labour and of adequate remuneration, excessive number of prisoners awaiting trial, abuse of plea bargaining, limited compensation to the victims of crime, extensive use of short-term imprisonment, and decreasing effectivenss of probation and parole and equivalent measures. That sometimes justice is done does not alter the fact that generally its recipient is the underprivileged offender.

Since it is not possible to deal with all these characteristics here, suffice it to say that in most countries the population awaiting trial is increasing. In the developing countries between 50 and 80 percent of such population is awaiting trial for periods between 6 months and 3 years, in most cases the sentence imposed does not exceed 1 year and very seldom the prisoners, the majority from the lower strata of society, have the benefit of appropriate legal assistance.[9] According to official data in Spain in 1981 the average was 60 percent, in France in 1976, nearly 40 percent, and in England and Wales 1980, putting together untried and convicted but unsentenced prisoners, 15 percent.

With few exceptions overcrowding is the general feature even in countries like the U.S.A., France, and United Kingdom. Prison labour is not always available and the remuneration is seldom equitable. In England and Wales current weekly earnings, including overtime, averaged about £1.31 according to data provided to the writer in September 1980. In many countries if remuneration is paid data are not made available. It may be said that in spite of the adoption in 1955 of the U.N. Standard Minimum Rules for the Treatment of Prisoners submitted to Governments in 1957, they are not implemented in many countries particularly concerning detainees to which they applied in accordance with the amendment made in 1977.

Quite often public prosecutors ask for 50, 100 or even 300 or 400 years imprisonment. As far as the writer knows the record is held by a Spanish prosecutor who, in May 1981, requested 473 for each of the four terrorists accused. The deterrent effect of such demands is nil: All of them add to the growing discredit of criminal justice.

Deinstitutionalization and the concept of "residual offender" are not very much in favour. The term "residual" has little meaning but is part and parcel of the terminological paraphernalia of "progressive criminology." The reasons against imprisonment particularly considering how it is implemented in most countries, whether capitalist or not, are many and the use of the term "facility" current in the U.S.A. does not disguise the fact that the facilities needed are not always available. Imprisonment must be reduced and improved but it cannot be abolished. The trend to extend noninstitutional treatment is general and unconditional and conditional release, fines, probation, partial confinement, open institutions, work release, halfway houses, community service orders, etc., are more and more used but their beneficial effects are often marred by being part of obsolete penal systems.

The effectiveness of probation and parole has progressively declined since the 1960's. The main reasons are: the increasing expenses involved if the corresponding services, including aftercare, are properly organized; the way in which decisions are taken by the authorities, particularly concerning parole, is often inconsistent; that owing to sociopolitical changes offenders and prisoners are less inclined to accept supervision, restrictions and assistance, particularly juvenile and young offenders and that as far as recidivism is concerned neither institution yields the results expected. Postindustrial society, particularly in urban areas, has created a kind of social mobility very different from that of industrial society in which both institutions were born. The result is that people, offenders or not, are far less amenable than before and less willing to accept the limitations inherent in probation and parole. The question involved is not only the quality of discretionary powers in granting or denying either benefit but whether or not something else should replace them. Here again the relationship between development, crime, offender and penal system is visible but seldom taken into account by those suggesting only operational modifications in the granting of probation, parole and other noninstitutional or semi-institutional measures.

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[8] For a more detailed consideration of violence and its legitimacy and illegitimacy see my paper *Institutional violence and crime* to be published by the United Nations International Review of Criminal Policy.

[9] See M. López-Rey's paper, "The Correction of the Criminal Offender in Latin America," in *International Corrections*, 1979, edited by H.H.A. Cooper and R.J. Wicks where the highest averages are found in Colombia, Peru, and Venezuela with 70, 77 and 79 percent respectively; *Innovations in Criminal Justice in Asia and Pacific*, 1979, edited by W. Clifford and S.D. Gokdala and *Proceedings of the First Asian and Pacific Conference on Corrections*, 1980, edited by W. Clifford. In Sri Lanka in 1974, the total number of imprisonment entries was about 83,000 persons of whom 71 percent were awaiting trial. The greater part of them were sentenced to less than 6 months.

In Japan apparently crime is decreasing in some respects but not juvenile crime in spite of the great use of probation and related measures. In Sweden since January 1980, imprisonment for juveniles has been replaced by a combination of probation and a maximum period of 2 months institutional treatment. In practice even for adults imprisonment has always been sparsely used in Sweden and only exceptionally for long periods of time. In both countries probation is organized in a flexible way and yet recidivism is sometimes very high, particularly in Sweden where it may reach 80 percent.[10]

Attempts to reduce imprisonment are under way in many countries, sometimes pressed by the need to create "vacancies" in overcrowded institutions. Among others such is the case in France and England and Wales. In the latter, the suggestion of introducing automatic release after serving a third of a sentence not exceeding 18 months is meeting with considerable opposition from the judiciary, probation services and public opinion. On the other hand, the trend to increase penalties or to introduce fixed or mandatory sentences for certain offenses is also encountering criticism. Such contradictory attitudes are visible in many other countries and more than anything show that the existing penal systems do not correspond to the penal needs of the postindustrial society.

Victimization is one of the biggest problems of our time. In the U.S.A. it has been increasing in a way which clearly shows the growing inadequacy of the law enforcement system. In 1979 the number of households affected by burglary, larceny, and motor vehicle theft was 79,498,600 and crimes of violence—personal sector—was 6,159,000.[11] Violent victimization is increasing in France, Italy, Federal Republic of Germany, United Kingdom, Spain, Belgium, and many other countries: In all of them official figures are less than the real ones. To common crime victimization should be added terrorism victimization either from above or perpetrated by organizations from right or left.

For years the United Nations has tried to induce governments to formulate criminal policies as part of development policies. The results have been disappointing for reasons I have examined elsewhere. More recently the attempts to formulate a New International Economic Order have led to the formulation of a New International-National Criminal Justice Order in close connection with it.[12]

Criminology

As a causal discipline made up of a plurality of others criminology was born at the end of the 19th century in a Western conservative world to which, as stated, the notion of crime was confined to common crime. Owing to rehabilitation aims the offender and not crime became the greatest recipient of such discipline. Thus criminology became a behavioural science in which psychology, biology, and sociology played the primary roles. As such it expanded rapidly in Europe, U.S.A., Latin America, as well as some other countries and colonies. It started fading in the 1950's under the double impact of the advancing postindustrial society and of its inability to renew itself. One of the most significant attempts at renewal was Sutherland's thesis of "white collar crime" which was resisted by many saying that the offences involved were outside the area of crime. Later, the "new" criminology, partly as a result of the "cultural revolution" and partly as an expression of a renewal with often marked Marxist overtones, stressed the inadequacy of existing criminology. Although in some respects its impact was beneficial and imitated in some developing countries, its Marxist tenets were ignored by the criminologists of socialist countries. The term "deviant" became and remains one of the key criminological concepts and with it, although following a different pattern, behavioural criminology.

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[10] See *Summary of the White Paper on Crime*, 1980, Ministry of Justice, Tokyo 1981, and *Kriminalvården* 1980, National Prison and Probation Administration, Norrkoping 1981.

[11] See *Criminal Victimization in the U.S. Summary Findings 1978-79*, National Crime Survey Report, U.S. Department of Justice.

[12] See *Analysis of the major issues involved in the formulation of the new international-national criminal justice order in the context of development and the new international economic order to assist in the setting up of policy options relating to crime prevention and criminal justice*, 1981, U.N. Department of International Economic and Social Affairs, prepared by the writer as U.N. consultant.

Biological, psychological and sociological theories were formulated and the prediction of crime regarded as an essential task. Criminal types of offender were formulated, in other cases crime was explained by endocrine glands disfunction or by abnormal karyotypes. The deprivation of parental love, the instability of home conditions, and the lack of education were regarded and still are by many as the causes of crime. Recently, prediction has been asserted on the basis of the measurement of brain waves, cardiovascular rhythm, skin electrical characteristics, etc. All these and other theories show a constant confusion between certain problems of crime and the crime problem. The image of the "potential offender" is very much cherished by this kind of criminology.

The above does not mean that criminology has been useless. On the contrary, in quite a number of aspects it has made useful contributions but it has utterly failed in dealing with offenders and more significantly with crime as a whole. The thesis of victimless crime makes little sense particularly in contemporary society. Now "quantitative criminology" has been hailed as one of the most dramatic changes in criminology. Apparently the transformation is due to the introduction of mathematical rigor in criminological research. Therefore optimization models, geometric distribution, econometric techniques and the like are praised and encouraged. As instruments they are needed but when instrumentality is transformed into substantivity the latter is more apparent than real. Probability, risk, and chance, the importance of which was also stressed by the writer in his *Criminologia*, 1978, II, chapter X, should play a role in criminology. The same applies to models, optimization, etc., provided first that crime is considered as a sociopolitical phenomenon and subordinately as a behavioural problem, and secondly that whatever are the equations and theorems used and models formulated, all of them have an instrumental character and as such are subservient to the protection of human rights individually and collectively understood.

The fact that criminology cannot avoid its composite nature does not prevent it from becoming a real discipline if the behavioural approach is overcome. To achieve this the current criminological curriculum should be completed by adding political science, sociology of law and of international relations, political sociology, history, economy, development and planning problems, human rights theory and practice, logic and methodology at present more often than not absent. Not every criminologist is expected to be fully acquainted with each of these disciplines but at least should know something about them. The ensemble would mean a more complete and coordinated interdisciplinary approach and that manuals should undergo a substantial change.

Final Remarks

Any inventory reflects debits and credits. The one made here clearly shows the growing deficit in criminal justice and criminology and the enormous gains in crime. Criminology as well as criminal policy should keep in mind that national, international, and transnational crime are becoming more interdependent than ever. The final remark is that as a policy, criminal policy is in such sad condition that something radical should be done to save it. Certainly it can no longer be formulated and implemented on a purely piecemeal basis.

> A GENERAL reevaluation of criminal justice is underway . . . . It has yet to assume a coherent philosophical perspective. Until it does, there is plenty of room for concern over organization, operations, and administrative improvement generally.
>
> — FREDERIC R. KELLOGG

Adopting National Standards for Correctional Reform

BY DALE K. SECHREST, D.CRIM., and ERNEST G. REIMER*

CORRECTIONAL institutions are not a priority for the American public. They have been organized on a state by state basis with no consistent set of rules to govern their operation and with complex and often confusing sets of goals. They constitute a priority for funding only to the degree that they ensure punishment, retribution and incapacitation, sometimes mingled with widely varying programs of rehabilitation, a concept which itself is constantly undergoing redefinition. Prisons have often been such places of despair that local and state governments and the judiciary have opted for programs of complete diversion from them, or, at the very least, wider use of probation to the community after sentence. Nevertheless, prisons have existed for a long time, and they will continue to be used to incarcerate the most dangerous criminals, a conclusion reached by most groups who have studied the problem, such as the President's Commission on Law Enforcement and the Administration of Justice.[1] More recently the National Advisory Commission on Criminal Justice Standards and Goals stated that major adult institutions represent the least promising component of corrections and, in stressing the need for more diversion programs the Commission said:

> ... the need for some type of institution for adults cannot be denied. There will always be a hard core of intractable, possibly unsalvageable offenders who must be managed in secure facilities, of which there are already more than enough to meet the needs of the foreseeable future. These institutions have and will have a difficult task indeed. Nevertheless, the nature of imprisonment does not have to be as destructive in the future as it has been.[2]

Since prisons are to continue as part of the American scene, what is necessary to preclude placing an offender in an environment in which the fear of bodily safety may be quite real, where food may be bad, where basic programs, such as employment, training, and education may not exist, and where basic health and safety minimums may not be met? Whatever the goals of incarceration, the offender must emerge from the prison experience, at a minimum, not worse than at entry. One method of approaching this objective is with basic standards of performance for institution personnel, physical plants and program opportunities, and the correctional system as a whole. Nationally accepted standards are required which will tell correctional personnel, public officials and the general public what is needed to produce a safe and humane environment. Most importantly, the adoption of standards must be accompanied by a plan for their implementation within each institution of each correctional system.

Background

Detailed documentation of humane conditions in correctional institutions is hardly necessary in light of the series of court decisions emanating from the implementation of Chapter 42, U. S. Code Section 1983 of the Civil Rights Law of 1871. In these decisions, which began in the mid-1960's, conditions which were clearly "cruel and unusual" and which had existed for many years were made public.[3]

As of February 1981, prisons in 39 jurisdictions were either already under court decrees or were facing constitutional challenges, including 24 non-Southern States, the District of Columbia, Puerto Rico, and the Virgin Islands. Twenty-five of the 39 states were operating under court orders affecting their entire prison system or the major institutions in the state.[4] In some of these systems, a "special master" has been appointed to implement the changes required by the court.

The most recent example of the current state of prisons is the Penitentiary of New Mexico which erupted in violence on February 2, 1980. The inmates gained total control of the institution and seized a number of custodial staff as hostages. Although the inmates seriously injured some of the hostages, none were killed. The major thrust of the inmates' anger was directed at other inmates, 33 of whom were murdered. Over 25 million dollars damage was done to the institution, and 80 million dollars were appropriated to improve the system. One can only speculate about the shortcomings and stresses of imprisonment when inmate anger and frustration, when released, was directed less at the inmates' immediate keepers and more at the system of incarceration. The anger expressed against fellow inmates stemmed from the system because the murdered inmates were primarily "snitches" or informers created and promoted by the system to help staff maintain control of the prison.

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[1] President's Commission on Law Enforcement and the Administration of Justice, *Task Force Report: Corrections* 45 (Washington, D.C.: U S. Government Printing Office, 1967).

[2] National Advisory Committee on Criminal Justice Standards and Goals, *Corrections* 349 (Washington, D.C.: U. S. Government Printing Office, 1973).

[3] See Stephen Gettinger, " 'Cruel and Unusual' Prisons," *Corrections Magazine* (December, 1977); David Fogel, *We Are the Living Proof: The Justice Model of Corrections* (Cincinnati, Ohio: Anderson Publishing Company, 1975).

[4] *Criminal Justice Newsletter*, July 29, 1979, pp. 4–5; updated by the National Prison Project, April 1, 1980.

Prison Reform, Past and Present

Prisons have seen various reform movements, initially in protest to practices of capital and corporal punishment, followed by the emphasis on reformation through penitence and meditation and the evolution of the industrial prisons of the late 19th century, a good combination of reform and practicality. The concept of "hard labor" was, in turn, followed by models of treatment and prison management that featured various forms of therapy, mental health models, self-help programs, and attempts at various forms of "rehabilitation" based on the view that criminals could be treated and cured of their criminality, all supported by research on human behavior.

Although various forms of these programs and treatment models have survived and are in use today, none have demonstrated sufficient effectiveness to warrant systemwide adoption. Is it true then, as some critics have stated, that "nothing works"? When prison conditions are found by judges to be inhumane and prison systems deemed unconstitutional, is it surprising that new programs imposed on these systems fail to show any measure of success? Even some of the better correctional systems have not been able to provide conditions conducive to the success of new treatment models.

With few exceptions correctional systems have not provided offenders a setting that is safe, humane and neutral where they can pay their debt to society and perhaps improve themselves. The deprivations, dangers, and minimal living conditions of prisons have forced inmates to devote much of their energies to survival, leaving them with little, if any interest in programs. Inhumane living conditions are too often matched by negative staff attitudes and behavior attributable in some part to institution working conditions. The combination of minimal living conditions and lack of the desire or ability of staff to support inmate programs, sometimes resulting in actual interference with them, only adds to feelings of anger and frustration which are already a problem for many offenders. To be certain, there are institutions where inmates can participate in self-improvement programs without any of the problems identified above; however, such institutions are the exception and not the rule.

Contributing to this situation is the continuing confusion about the purpose of imprisonment. For correctional staff, the primary purposes of incarceration must be separation from the community and safe retention of criminals—nothing more, nothing less. Being in prison with its accompanying loss of freedom is punishment; it is neither necessary nor productive to exercise punitive management of the inmate during his/her prison term. The vast majority of prison inmates keenly feel the constraints of their confinement—further punitive measures only serve to increase the resentment and hostility within these individuals.

This viewpoint in no way suggests that prisons are or should be "country clubs," with comfortable living conditions. The loss of individual freedom is a powerful tool, and unless one has undergone a comparable experience, it is difficult to assess its impact. To apply this loss of freedom in a humane and nonpunitive manner serves the purposes of imprisonment and could do much to correct the wrongs in many American prisons.

The confusion about the purpose of imprisonment, the minimal and, at times, unsafe inmate living conditions, and the attitudes and behavior of poorly motivated and trained personnel can be likened to an inadequate house foundation. Whatever structure is built upon a poor foundation will prove troublesome and yield undesirable outcomes. If prisons are expected to provide effective corrective experiences for inmates, basic programs and services must be available, but they will achieve maximum success only if built on a sound structure. This sound prison structure includes staff agreement on the purpose and goals of imprisonment, provision of safe and humane living conditions for all inmates and staff, a professional management structure, and personnel that are trained, professional, and objective in the performance of their jobs.

Current Efforts to Improve Prisons

Recent efforts to improve prisons and the administration of justice generally have assumed three patterns. The first pattern, and the most persuasive one, has been the series of court decisions affecting prison management. The extent and impact of court decisions has been described earlier. Court decisions usually mandate change but cannot state all of the specifics of how changes must occur; i.e., the priorities needed and the format and/or dimensions of the desired change. Court decisions provide the essential first step, but additional refinement and followup is required, which is often gained through the appointment of temporary overseers, or "special masters," who work with the court to ensure mandated changes.

The second pattern is somewhat more diffused. Its central theme involves a redefinition of the purpose and thrust of correctional confinement and says little about how improvements will be realized. It has evolved principally out of the legislative and executive branches of government characterized by the move toward determinate sentencing and recognition that inmates should assume responsibility for their own lives. Through the adoption of determininate sentencing, legislators anticipate that the correctional system will be more fair and inmates better able to accept and manage their imprisonment when they know how long they will be locked up. Rather than base the term of sentence upon the offender's performance during imprisonment, the term is set by the sentencing judge based primarily upon the crime, with little or no consideration of the offender's criminal background. Under this approach, the latitude exercised by the courts and paroling authorities is sharply curtailed. One goal of the determinate sentencing pattern is the change in emphasis from coercive programming for inmates to one of voluntary participation. Under previous rehabilitative models the belief was that staff knew what programs the inmate needed, and the inmate was expected to accept this decision. At present it is generally held that voluntary participation in "corrective" programs is more productive than required participation, and the only activities which inmates should be compelled to participate in are personal sanitation and work programs. The second aspect of this pattern may be found in efforts to reintegrate the offender into the community, particularly through temporary leave, work, and education furlough programs. Common to this general pattern is the belief that the inmate is personally responsible and fully capable of making significant life decisions.

The third pattern, to which the balance of this article will be devoted, covers the resurgence of national correctional standards and their use in a system of voluntary accreditation designed to improve all correctional agencies. While the redefinition of purpose and philosophy of correctional services is important, whether by court decision, legislative change, or administrative policy, the required changes exist in a relative vacuum until they can be implementd in an orderly manner, followed by verification of their use. This is the role of standards which requires compliance through a system of voluntary accreditation.

Standards, Accreditation and Reform

The development of correctional standards is over a century old.[5] The problem, however, has been in their use to improve correctional systems. This may largely be due to the inability to separate the provision of humane conditions from concepts of rehabilitation. As Morris and Jacobs indicate, "The dilemma here may be that an institution built to carry out society's moral precepts through punishment and deterrence cannot also function as an effective means to rehabilitate the offender."[6] They differentiate the concepts of *humanitarian reform* and the *rehabilitative ideal:*

> Humanitarian reform calls for minimum civilized standards of living conditions and of physical safety within the prison. The rehabilitative ideal refers to the kind of treatment that will bring about the successful reintegration of prisoners into society.[7]

As indicated earlier, the first and generally unrealized goal of corrections must be the provision of humane conditions through the application of basic standards of performance for each institution and the correctional system as a whole. Morris and Jacobs call first for protection from assault, extortion, theft, and rape, followed by nutritious food, decent hygiene, and adequate medical care and recreation as basic needs. After basic needs, they place the need for activities which will defeat boredom, principally work. Most important to implementing humanitarian reform is "the establishment of fair and orderly administrative procedures within the prisons."[8]

Morris and Jacobs conclude that the rehabilitative ideal, based on efforts to "treat" and "cure" criminals, the traditional medical model of rehabilitation, has been an unfortunate development in American prison reform largely because it promises too much:

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[5] D. K. Sechrest, "The Accreditation Movement in Corrections," *Federal Probation* (December 1976).

[6] N. Morris and J. Jacobs, *Proposals for Prison Reform* 3 (The Public Affairs Committee, Inc. 1974).

[7] Ibid., p. 4.

[8] Ibid., p. 6.

> The answer to the American crime problem is not to be found in the prisons. Those who claim that various prison measures can reduce recidivism and thereby substantially reduce crime on the streets are deluding the public. . . By offering a cure for crime, the rehabilitative ideal has placed prison reform on a shaky foundation. If rehabilitation fails or is only moderately successful, should further efforts at reform cease? Hardly. Prison reforms should be vigorously pursued for humanitarian reasons whether or not prisoners are "rehabilitated" or recidivism is reduced.[9]

The concept of correctional accreditation is built on the foundation of humanitarian reform of prison conditions through the application of standards of performance. Compliance with a uniform and complete set of national standards in meeting these goals is based on a different premise than traditional models of treatment outlined by Morris and Jacobs as the "rehabilitative ideal." Accreditation does not conclude that particular treatment models are invalid, it simply states that, absent a safe and humane environment, any "rehabilitative" model is less likely to be effective.

Standards for humanitarian reform must address services and programs, such as communication with the outside world through mail, visiting, and the use of the telephone; and they must require decent food, often needed to counteract the effects of poor nutrition, and basic health care. These basic services must, however, be augmented with fundamental programs of educational instruction, vocational training and training in life skills as simple as learning to make application for a job or buying a car. The channeling of energies into constructive leisure time activities is also basic to such programs, as is a concern for the development of religious programs and the need for crisis and/or long-term personal counseling. These and other basic services and programs must be provided in the institution and continue into the larger correctional environment, but they can only be built on a foundation of sound administration and humane management

The use of standards in a nationally recognized accreditation process allows for the accomplishment of basic reforms in prison conditions and provides the conditions necessary to establish corrective programs. Proven effective in achieving these goals has been the work of the Commission on Accreditation for Corrections, created as an outgrowth of the need for basic reform in both prisons and other components of the correctional continuum.

The Commission of Accreditation for Corrections

In 1974 the Law Enforcement Assistance Administration (LEAA) awarded a grant to the American Correctional Association (ACA) to establish a Commission on Accreditation for Corrections. Since existing "standards" proved insufficient for use in the accreditation process, the ACA recommended to the LEAA that the grant awarded in 1974 be amended to include the development of a comprehensive set of standards to cover all components of correctional services nationwide.

The Commission began an extensive program of drafting, field testing, revising, and approving thousands of individual standards covering the whole spectrum of corrections. With the publication of a uniform and complete set of 10 manuals of standards for corrections, this phase of the task came to a close in June 1979. The Commission then returned to its original objective of conducting accreditation proceedings in the field. In order to avoid any semblance of a conflict of interest, the Commission on Accreditation for Corrections became fiscally and operationally independent of the ACA on April 1, 1979. However, both organizations continue in a cooperative relationship, and as stipulated in the Commision's By-laws, the majority of its members are elected by the ACA membership. Also, the Commission jointly approves with the ACA the revisions to the standards prior to their adoption for accreditation purposes.

Commission principles, as expressed through the standards, articulate a concern for the protection of the public, assistance to criminal justice agencies, and the provision for just and humane care in the management of adult and juvenile offenders.[10] It is anticipated that accreditation can assist agencies in the development of safe, well-managed and ultimately more humane institutions and that such institutions will provide basic services to the inmates housed in them.

The American Correctional Association/Commission on Accreditation for Corrections (ACA/Commission) standards provide a tool for measuring compliance with constitutional requirements and the requirements of the field for humanitarian reform.[11] The standards and accreditation have been accepted by the field of corrections as seen by their voluntary application in over 450 facilities/agencies in 42 states and Canada, with more than 250 accredited agencies, including accreditation of 80 correctional institutions and six local detention facilities.[12] The correctional institutions included in accreditation make up over one-fourth of such institutions in the United States. As part of the process, some institutions and community programs have been turned down for accreditation through the stringent application of the standards by trained correctional professionals.

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[9] Ibid., p. 11.

[10] R. Fosen, "Mid-Year Progress Report and Statement of Principles," *American Journal of Corrections* (May-June, 1975).

[11] D. K. Sechrest, "The Legal Basis for Commission Standards," *American Journal of Correction* (November-December, 1978); see also Ernest G. Reimer and Dale K. Sechrest, "Writing Standards for Correctional Accreditation," *Federal Probation*.

Adoption of Standards by the Courts

An increasingly important aspect of standards acceptance has been the courts' use of ACA/Commission standards in their efforts to bring prisons up to constitutional minima. The cases in the 39 jurisdictions already mentioned have provided adequate notice to corrections officials that they must reduce overcrowding, provide sufficient and trained staff, improve sanitation, provide better housing arrangements and offer meaningful programs for inmates who want them. Prior to the publication of ACA/Commission standards, one of the first and most notable cases involving court-generated standards was *Pugh* v. *Locke*, 406 F. Supp. 318 (M.D. Ala 1976), in which U. S. District Judge Frank M. Johnson, Jr., wrote 44 specific standards for institutions in Alabama. Many similar court cases, however, provided conflicting standards of performance for correctional personnel, legislative and administrative groups, and the public. Confusion existed regarding which standards applied under what conditions. Some judges called for a consistent framework of principles within which constitutional challenges to correctional practices could be decided. Krantz cites several attempts by the courts to establish such a framework and concludes that, "These opinions are representative of the current confusion over the rights of prisoners and the standards by which these rights should be judged."[13]

Since the publication of ACA/Commission standards, judges are using the standards as guidelines for improvement, thereby creating a more consistent pattern. The outstanding example of court use of standards has been their use in the case of *Battle* v. *Anderson*, 447 F. Supp. E. C. Okla. (1977), in which U. S. District Judge Luther Bohannon ordered the Oklahoma Department of Corrections to remedy unconstitutional prison conditions by complying with the national standards of the ACA/Commission, the American Public Health Association, and the *Life Safety Code* of the National Fire Prevention Association. Proposed initial costs were estimated at six million dollars to fund projects to bring the Department into compliance. He called for an impartial audit of each prison facility by May of 1981. At a further hearing on his order in June 1980, Judge Bohannon narrowed his view of the standards by agreeing to consider the use of only ACA/Commission standards for medical and health services, indicating his preference for one set of standards. He indicated in both the 1977 and 1980 decisions that Oklahoma was working in good faith to come into compliance with the orders of the court. One reason for this was because the Oklahoma Department of Corrections was formally involved with the Commission on Accreditation for Corrections in upgrading its facilities, nine of which had been accredited by December of 1981.

Standards and accreditation are not easily accepted in some jurisdictions. Resistance to the adoption of standards stems in large part from external interference and from the costs involved in creating humane correctional institutions. In Oklahoma accreditation was initially perceived by many legislators as an attempt to dictate budget terms to the State legislature, an unwelcome "Federal" intervention into State affairs due to Federal funding of accreditation. Legislators also believed accreditation would form the basis for future inmate lawsuits.[14] In Maryland, one of 11 states funded to pursue accreditation by the Law Enforcement Assistance Administration, the legislature refused to fund accreditation for its prisons due to the potential costs involved and the fear of potential lawsuits once the State agreed to the standards.[15] Subsequent to the riot at the Penitentiary of New Mexico the legislature appropriated over 80 million dollars to rebuild the prison, construct another one, and pay the costs of prosecuting the responsible inmates. Ironically, if the Corrections Master Plan approved in 1976 had been implemented, this money might have been better spent and with no loss of life and far less human suffering.

While some legislatures may be reluctant to adopt standards, the courts appear to be willing to work with correctional officials in the process of standards implementation. In Washington State U.S. District Court Judge Tanner has made ACA/Commission standards part of his court order in the case of *Hoptowit, et al.* v. *Ray, et al.* (No. 79-359, June 1980). Judge Tanner concluded that the totality of conditions at Washington State Penitentiary were below minimum constitutional standards. The recommendations of an American Correctional Association visiting team were cited in the order with respect to guard recruitment and training. ACA/Commission standards were part of the order in physical plant requirements, and compliance was ordered for "all American Correctional Association standards relating to housing of prisoners in segregation and protective custody."

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[12] Commission on Accreditation for Corrections, Progress Report (unpublished).

[13] S. Krantz, *Corrections and Prisoners' Rights* 107 (St. Paul, Minnesota: West Publishing Company, 1976).

[14] *Corrections Digest* 1, 8–11 (May 11, 1979).

[15] *Washington Star* B1–B3 (February 21, 1980).

In the Kansas case of *Jouett E. Arney, et al.* v. *Robert Bennett* (May 7, 1980) a consent decree was issued regarding conditions at the Kansas State Penitentiary. In the consent decree it was alleged that conditions were overcrowded, unsafe, and unsanitary. The penitentiary was seen as "operat[ing] in a manner which provides inadequate opportunity for rehabilitation while generally debilitating the inmate population in violation of the Eighth and Fourteenth Amendments." The consent decree stated that:

> By December 15, 1983, the defendants shall apply for accreditation to the Commission on Accreditation for Corrections.... Defendants shall undertake an active good faith effort to comply with the provisions set forth in the Manual of Standards for Adult Correctional Institutions as required for accreditation.

Specific reference is made to defendant compliance with "all American Correctional Association standards for medical and mental health care services in prisons which are required for accreditation."

The Kentucky Bureau of Corrections is required to implement several ACA/Commission standards based on the consent decree in the case of *Jerald L. Kendrick, et al.* v. *David H. Bland, et al.*, and *James M. Thompson, et al.*, v. *David H. Bland* (United States of America, Amicus Curiae; civil action number 76-0079-P as consolidated with 79-0092-P and No. 79-0001-L). The court stated that the "standards of behavior ultimately established shall be applicable at the Kentucky State Reformatory," as well as at the Kentucky State Penitentiary. Specifically, the Bureau was to develop a "supplemental training program for annual recurrent training utilizing ACA guidelines as a basis for [it]," "comply with the applicable ACA standards regarding the use of mace," use the ACA standard of 60 square feet per inmate for rooms or cells in determining rated capacity, and see that "any new construction in living areas ... compl[ies] with American Correctional Association standards and that any renovation of living areas pursuant to this proposal will comply with such standards where structurally practical." The classification system was to be brought "into full compliance with American Correctional Association standards within nine (9) months." The standards were also to be used in formulating a plan for "restrictive confinement," i.e., various types of segregation from the general population, including physical conditions. ACA/Commission standards for emergency medical care were also mandated for both institutions. Many other requirements of the consent decree(s) reflect the substance of the standards.

In Oregon the issue of overcrowding was addressed by Federal District Judge James M. Burns in *Tom Capps, et al.* v. *Victor Atiyeh* (Civil No. 80-141, August 22, 1980) and *Joe West, et al.* v. *Victor Atiyeh* (Civil No. 80-6014, August 22, 1980). In his findings of fact, Judge Burns cited the ACA/Commission standards specifically in relation to cell size, stating in his conclusion that "Overcrowding at OSP [Oregon State Penitentiary], the Annex, and OSCI [Oregon State Correctional Institution] far exceeds the level of applicable professional standards ..." While ACA/Commission standards were not specifically mandated by Judge Burns, they were clearly a factor in determining the conditions of overcrowding which led to his order to reduce the populations of the three facilities by a total of 500 inmates by December 31, 1980, and an additional 250 by March 31, 1981.

The ACA/Commission standards were also used as part of 13 consent decrees for improving conditions at the Penitentiary of New Mexico. The development of these consent decrees began before the February 1980 riot and continued through July of 1980 (*Dwight Duran, et al.* v. *Jerry Apodaca, et al.*, Civil Action No. 77-721-C). The consent decrees which most fully use the standards are those dealing with policies on visiting; classification; cell size, which quotes the ACA/Commission standard directly; living conditions, which stated that "no later than the completion of the renovation authorized . . . the Penitentiary of New Mexico at Santa Fe will meet applicable national standards as to living conditions for inmates"; inmate activity, including vocational training and educational programs, recreation and leisure programs, work programs and prerelease programs (including school release); medical care; training, which specifically states that "Training will be provided to all staff which is equivalent to that required by the Manual of Standards for Adult Correctional Institutions of the Commission on Accreditation for Corrections"; disciplinary detection and administrative segregation, particularly the conditions of such confinement; and, disciplinary procedures.

The standards have also been used in local detention facility cases in the Clark County Jail

(Las Vegas, Nevada) and in Atlantic County, New Jersey.

The use of standards in court decisions is encouraging, and corrections professionals are working with the courts in implementing the standards. Agencies in over 42 states and the Federal Government have begun the accreditation process, most without the necessity of court intervention. Their desire to do so is indicative of the concern and support of governors, legislators, the public and other officials in initiating this basic step in the rehabilitation of prisons in the United States. Where costs are prohibitive, based on the minimal levels of compliance required in the standards, alternatives are being considered which may be less costly and possibly less severe in their impact on the offender. These alternatives and the provision of a just and humane correctional system are possible within the framework of standards and accreditation.

The Usefulness of Standards

The acceptance of national standards and their use in accreditation is not a panacea which will solve all of the problems of individual offenders, correctional systems or the public. Specific results or a guarantee of efficient and effective performance cannot be promised. Model programs with high ideals have failed in the past, such as the Walnut Street Jail in Philadelphia, which was the first such facility constructed in the United States and used from 1784 to 1835 when this model facility was closed due to overcrowding, lack of resources, and political haggling. In 1935 Mayor LaGuardia of New York City cited the new Men's House of Detention in New York City, later known as "The Tombs", as the model for the Nation. In 1975 it was closed for being unconstitutional. The rehabilitative ideal which was to provide "treatment" to offenders has been subjected to considerable examination and found wanting. A *Washington Post* editorial cited recent evidence from Sweden, often praised as having one of the most progressive and humane prison systems, as showing a recidivism rate of about 70 percent.[16] Sweden's chief prosecutor lamented that their philosophy of rehabilitation "has been shipwrecked" and that criminality could not be cured through prison rehabilitation. Regarding the United States, the editorial continued by stating that "our prisons should, of course, be run humanely—but without any illusions about their powers of redemption."[17]

Without promising too much, standards and accreditation can provide the basis for a systematic approach to the humanitarian reform of prisons—the rehabilitation of correctional systems, which can provide the foundation for suitable corrective programs and services for offenders. Most importantly, however, accreditation has provided administrators the initiative in using standards to perform the job entrusted to them. Using national standards, they are establishing clear and supportable goals for correctional systems for presentation to governors and the legislatures. Once adopted, standards allow for the measurement of progress in meeting approved goals and objectives and in determining priorities for action. Standards are a useful management tool for the administrator for developing policies and procedures with staff, motivating staff to plan for and reach attainable objectives, and for measuring performance against stated goals. A single set of standards is also vital to the process of communication within and between agencies, and in communicating progress to executive, legislative and judicial branches of government and to the general public.

The application of standards and accreditation can also provide a foundation for the testing of innovative programs and management models. Once accreditation is achieved, a more objective and fair test can be made of various types of corrective programs. Even some discarded treatment models may be retested under better conditions to determine their value under more objective and neutral conditions. This is particularly true of work programs, such as those being tried under the Free Venture model.

Conclusions

Corrections must pay attention to its basic problems. Institutions have been used to punish offenders, as places of reformation or rehabilitation, and most recently may have been redirected to the goal of incapacitation based on a just procedure for isolating offenders from society. Just being in prison is punishment, and the primary purpose of institutions should be the isolation and safe retention of convicted criminals. Since institutions will continue to be used as a correctional tool, they must be operated in a safe and humane manner, which is consistent with their use purely for the purpose of incapacitation. Concepts of rehabilitation must be placed in perspective in relation to the primary goal of providing sound basic conditions and a general upgrading of correctional practice. Once reform in basic conditions is accomplished it may be possible to develop new avenues of dealing with offenders in institutions. The development of national standards is directed at the foundation of corrections—not merely new programs or models to be superimposed on a weak foundation. Critical objectives must be met in developing that foundation, which include sound administration and fiscal controls, an adequate physical plant, adherence to legal criteria, and the provision of basic services. Basic services begin with the establishment of a functional physical plant, the adoption of sanitation and safety minimums, and the provision of a safe living environment. These must be followed by fundamental programs of education, vocational training and counseling in all aspects of personal development. The standards, already improved and upgraded in second editions, express these objectives.

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[16] *LEAA Newsletter* (November 7, 1977).
[17] Ibid.

The realization of critical objectives through the use of standards requires participation and involvement from correctional administrators and staff in all areas, as well as acceptence by governors, legislators, judges and the public. Implementation requires fiscal resources and support at all levels of government, with goals and standards considered in any large scale effort at criminal justice planning. The American Correctional Association and the Commission on Accreditation for Corrections have obtained the necessary involvement in the first 7 years of the standards and accreditation program. The standards are surviving challenges to their validity, and accreditation is achieving increased acceptance from corrections professionals, the courts, and public officials as it is found to be a powerful tool in improving operations.

As corrections professionals continue to show through accreditation that they can meet tough and realistic standards, perhaps they can generate enough confidence from all segments of the field and the public to lead the way to better correctional performance throughout the Nation.

Volunteers in Criminal Justice: How Effective?[*]

By ROBERT T. SIGLER, PH.D., AND JUDGE KEITH J. LEENHOUTS[**]

FEW MOVEMENTS have grown as rapidly as the use of volunteers in criminal justice. While volunteerism per se has an extensive history rooted in the sense of "community" which characterized early American colonial life, the use of volunteers to supplement efforts of justice system personnel is a relatively new phenomenon.

Since traditional approaches dealing with criminal offenders have been ineffective and inefficient, courts, jails, prisons, and juvenile institutions have turned to new and innovative approaches for changing criminal offenders into law-abiding, productive citizens. Unfortunately, many of these new and innovative programs have been no more effective or efficient than the old.

Today many argue that rehabilitation is ineffective, that attempts to "treat" offenders do not work. Rather than seek effective means to interrupt criminal careers, the trend is toward punitive and restrictive programs for processing adjudicated offenders. We have failed to perceive the problem as including a concerted effort to interrupt the individual criminal career, turning instead to general treatment programs targeted for general classes of offenders.

Of the many approaches to treating the offender, two appear to have been consistently successful: work release and the use of volunteers. The use of volunteers in criminal justice has a long history of success. In fact, probation can be traced to the efforts of John Augustus, a volunteer. The use of volunteers to directly assist offenders fell into disuse in the United States with the professionalization of the probation officer. When society began paying salaries, the pressure for production increased. In an effort to get the most for our money, caseloads were increased to the point where probation officers became supervisors with little time for individual attention to offender needs. As this process developed, probation as an effective means of interrupting criminal careers lost much of its impact.

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In 1959, Judge Keith J. Leenhouts, struck by the plight of the misdemeanant offender, reinstituted the use of volunteers in the misdemeant court. The success of his program encouraged him to pursuade others to develop volunteer programs. Through his efforts and the efforts of others who saw the value of volunteer programs, the use of volunteers in criminal justice increased rapidly.

The use of volunteers in criminal justice settings has grown in the recent past. Even with this growth, the use of volunteers to treat the criminal justice client has not begun to approach its potential. The use of volunteers in criminal justice programs is still the exception rather than the rule.

As the volunteer movement grew, problems were encountered. Knowledge in how best to proceed was not readily available and volunteers found themselves unsure of their role and how best to proceed. The means to share experiences and knowledge were lacking, thus many well intentioned people repeated the errors of many who preceded them. While efforts are presently underway to rectify this condition, the state of the art has not been fully delineated nor are adequate resources readily available.

The effectiveness of using volunteers has been challenged frequently. There has been little response to this challenge. Those who offer volunteer services and those who receive them are satisfied with the services provided and feel that the benefit should be obvious. Nonparticipants are skeptical. They state that the volunteer movement must stand ready to prove the validity of their enthusiastic endorsement of the success of volunteers.

There is great variety in the volunteer movement. The absence of indepth evaluation prevents comparison of various program elements which could have led to improved effectiveness.

Like many movements in criminal justice, volunteer programs are accepted on faith. A number of programs have been evaluated but the data and findings from these evaluations have not been made readily available. The evaluations range from relatively simplistic assessments of recidivism or participant satisfaction to relatively sophisticated assessments of attitude change and community impact.

The most complete set of information available today concerning the effectiveness of volunteer programs can be found in the files of the National Information Center on Volunteerism in Boulder, Colorado. In the publication *Frontier 8*, Dr. Ernest L. V. Shelley summarizes the evaluations which were available in their files in 1971 (Shelley, 1971). Both studies and informal reports of research in progress are included. It is interesting to note that of the 32 studies reviewed only 11 attempt to measure the impact of volunteers on offenders. One-half include the impact on or impressions of the volunteer, three consider staff and two consider parents. In addition, three studies are surveys of volunteer program adoption nationwide. One study focuses on the offender from a perceived need for assistance perspective. Dr. Shelley noted that certain aspects of the volunteer relationship had not been evaluated properly in any of the studies.

Scioli and Cook (1976) evaluated the quality of criminal justice research focusing on rehabilitation with an emphasis on the evaluation of volunteer programs. They summarized the findings to date regarding the effectiveness of rehabilitation programs. They sum up by presenting Martinson's conclusion that there is no pattern of findings which indicates that attempts to rehabilitate offenders are successful. Martinson suggests that those studies which indicate success reference isolated programs rather than a trend of effectiveness in correctional rehabilitation programs. Scioli and Cook then present their impressions gained from reviewing 250 reports, monographs, memos, and supporting statements which attempt to present findings from evaluations of volunteer programs. After screening out those materials which did not attempt to evaluate program goal attainment, 43 reports remained. Of these, 35 focused on an evaluation of the impact of the program on the client. Of these, the majority focused on the impact of the one-to-one relationship with little attention paid to other components of the program evaluated. Only three reports were found to be free of technical defects which seriously limited the quality of the evaluation. In addition, they indicated that measurement points were so varied that no two reports could be compared. The only common variable measured was recidivism. However, recidivism was measured in a number of different ways. They conclude that the first step in the effective evaluation of the impact of volunteerism on criminal justice clients is the development and application of a uniform set of effectiveness criteria. Volunteer program effectiveness criteria must be applied to a national sample of volunteer programs, thus generating a data base.

In this effort, we will review those studies which attempt to evaluate the impact of volunteers on offenders in Shelley's report with the addition of several studies which have recently become available. In studies which deal with several aspects of the volunteer process we will limit our review to those segments relevant to our present interest in summarizing what is known about the impact of volunteer involvement on offenders.

There is a tendency to identify volunteer programs as being big brother type programs working with delinquents. In fact, many volunteer programs take this form. An attempt was made to evaluate the involvement of Junior League volunteers in the Hennepin County Home School (Shelley, 1974, p. 34). One variable measured was inmate perception of the program. Data were collected through the use of an interview schedule. The subjective impressionistic evaluation indicated that offenders held a positive view of the volunteers.

One of the most comprehensively evaluated programs has been the Boulder County Juvenile Delinquency Project (Shelley, 1971, p. 28). In essence, a number of separate evaluations of the entire program have been made over time. While these data tend to indicate that there is little difference in formal disposition of cases, there is an indication that youth assigned to Deputy Probation Officer Volunteers tended to become more emotionally stable than youth not assigned. Staff evaluated 89 percent of those assigned to this program as improved. The findings of these evaluations are of course being simplified. The study is complex and assesses a number of program and individual variables.

Brian Lonergan (Shelley, 1917, p. 25) evaluated 20 probationers of the Lackawanna (Pennsylvania) County, Common Pleas Court focusing on hostility and related traits and on educational and vocational levels. He found improvement in the probationers for all measured variables.

Alexander Zaphirin (Shelley, 1971, p. 36) evaluated the opinions of 45 misdemeanant probationers and their volunteers involved in the volunteer probation counseling program of the Jefferson County Court (Colorado). Data were drawn from case records and interviews which included fixed choice items and open-ended questions. The probationers held high positive attitudes toward the program and had low recidivism rates.

The Denver city and county court evaluated 54 demeanants (Shelley, 1971, p. 11). Data were gathered from police records, interviews, ratings of adjustments by staff, the California Personality Inventory, and a sociometric battery. Comparisons were made with a control group from the same court. Program subjects performed significantly higher than the control group on all variables including recidivism. The only measure which failed to show a change was the California Personality Inventory.

The best single evaluation of a volunteer program was conducted in Royal Oak, Michigan, by the National Institute of Mental Health (Shelley, 1971, p. 22; Koschtial, 1969; Morris, 1970). This study evaluated 119 misdeameanants from the Royal Oak program, 162 misdemeanants from a similar court, and 87 high school students from Royal Oak. Included were recidivism figures for 9 years. Data collected during the evaluation included the Minnesota Multi-Phasic Personality Inventory, the Wonderlic Personnel Test, the Burse-Durkee Hostility Inventory, and the Marlowe-Crown Social Desirability Scale. The premeasure indicated that the Royal Oak sample showed significantly greater initial pathology than either of the two control groups. The results indicated that in addition to lower recidivism rates than the control group subjects, the Royal Oak subjects showed a significantly greater decline in hostility and antisocial trends. Eighty percent of the Royal Oak subjects maintained their full-time employment while 78 percent had not received any further arrests. The control group figures were respectively 62 percent and 56 percent.

Alfred Lawyer evaluated the impact of volunteers on paroled felons (Shelley, 1971, p. 24). Ninety felons released to the Job Therapy Incorporated Program, with a matched control group, were the subjects. Data collected included recidivism and degree of outside contact prior to release. Parole success was related to degree of outside contact, however, the program subjects were more successful than control subjects when controlled for outside contact.

An evaluation of the National Volunteer Parole Aids Program was constructed for several state programs with data collected from a national sample (American Bar Association, 1975). Volunteers in this program were predominately attorneys. While program subjects recidivated less than nonprogram subjects, the difference was not significant. The only significantly higher adjustment for program subjects was found with parolees with an alcohol abuse history. There is some indication that program subjects were more closely supervised thus violations were more likely to be discovered than was the case with the control group. Comparisons were made with national statistics for all parolees thus the "control group" was not an independent sample.

The Friends Outside Program also serves sentenced felons (Office of Criminal Justice Planning, 1976). They are presently evaluating their program. Data available at this point were collected by unstructured interview designed to assess subject orientation toward the Friends Outside Program. Subjects were found to have a high positive orientation toward the program and toward the volunteers. This program focuses on reintegration and maintenance of family ties by providing assistance to families of inmates.

The state Friends Outside State Prison Representative project has also been evaluated (Birkowitz, 1976). This evaluation focuses on the range of services provided to inmates and their families. While no assessment is made of the impact of the services provided, Ms. Birkowitz establishes a high cost benefit ratio of services to cost for the program.

We have presented these findings with little comment on the quality of design and data analysis. Virtually all of the designs contain fatal defects with the predominant weaknesses being the lack of an effective control group and the choice of variables to be measured. There is a proportionally large reliance on subjective impressionistic data with little or no evidence of control for bias. Many of these evaluations were conducted by people relatively untrained in basic reasearch techniques. Thus, while they were sincere in their efforts, the quality of their efforts produced results which can be challenged methodologically. We do note that there are no studies which indicated that offenders with volunteers do more poorly than clients without volunteers. While statistical significance is not established in several studies and the positive change is minimal in a few, in each of the evaluations of which we have knowledge the change has been positive.

Recently there has been another comprehensive evaluation of the use of volunteers with criminal offenders which is professionally done and methodologically correct. The Royal Oak Study (Morris, 1970) is separated from the M-2 study (M-2 Sponsors, Inc., of California, 1970) by more than 10 years and two thousand miles. One evaluated a misdemeanant program and the other a program for incarcerated felons. Both found that clients with volunteers are more successful than clients without volunteers. The results are reported in the summary evaluation of the California M-2 Sponsors Program (M-2 Sponsors, Inc. of California, 1978). This study focuses on 1975 parolees in the California system. Three groups were constructed for the purpose of evaluating the M-2 Sponsors program. The study group consisted of inmates who were matched with M-2 Sponsors. The first control group was composed of inmates who applied for an M-2 sponsor but who were not matched. The second control group was composed of inmates who did not apply for an M-2 sponsor. The three groups had similar prior criminal records and personal background. Recidivism was measured by favorable parole outcome status as defined by the California Department of Corrections over a 12-month period. The study group performed significantly better than the two control groups. This study is important in that it is the most recent of a series of similar studies focusing on the M-2 Sponsor program.

The M-2 Sponsor studies measure a wide range of variables and are developing a historical data base. This program is evaluated over time. Thus, data will be available to document the changes which occur as the program develops. In addition, this data base will permit continuous monitoring of relative program impact as the environment changes and as various program components are changed.

Two methodologically correct professional evaluations have indicated that volunteers do make a difference when assigned to criminal clients. All evaluations to date, that we know about, indicate the positive impact of volunteers on criminal justice clients. These studies have been methodologically weak, but they consistently show participant satisfaction and lower recidivism of one type or another.

While we realize that this evidence does not establish universal effectiveness of volunteer programs, our personal experiences indicate that volunteers do divert criminal offenders from unacceptable patterns of behavior. We realize, of course, that our experience does not provide solid basis for evaluating the effectiveness of all volunteers. There is clearly a need for expanded in-depth quality evaluation of the use of volunteers with criminal justice clients.

In essence, like many movements in criminal justice, volunteer programs are accepted on faith. While a few scattered evaluations of model programs have been made, there has been no consistent evaluation of volunteer program effectiveness. There is a need today to effectively evaluate all criminal justice programs.

We endorse the recommendation for the development of a uniform set of effectiveness criteria made by Scioli and Cook (1976). This set of effectiveness criteria should be relatively broad permitting volunteer programs (which vary considerably) to measure the goal attainment of each program. This set of criteria should not be limited to traditional recidivism measures but should be sufficiently broad to include changes in attitudes and behavior not directly related to crime rates. In addition, a set of criteria should be developed to measure secondary impact such as changes in volunteer attitude and impact on the total program from which volunteers are drawn.

The need is not for a broad based yes or no on volunteerism. The need is for full range evaluation of each program. We need to be able to compare program components so that we can assess relative effectiveness. We need to begin understanding why and how volunteers are effective.

There is a need to develop a data base for volunteer involvement in the justice system. As is the case with the M-2 Sponsors, Inc., of California study, studied programs need to be evaluated on a continuous basis. In addition, a broad range of programs in different settings should be evaluated. Only where a substantial body of data is developed will we be in a position to evaluate the level of effectiveness inherent in the use of volunteers.

Summary

The use of volunteers with criminal justice clients is one of the fastest growing movements in criminal justice today. The evaluation of this innovative approach to criminal offenders has been inadequate. While all evaluations which have been conducted have shown positive results, there has been a tendency to focus on variables other than client adjustment and a general lack of adequacy in design. The studies which have demonstrated methodological competency indicate that volunteers are indeed effective with criminal justice clients.

We are not aware of any studies which indicate that clients with volunteers are less successful than clients without volunteers.

We must encourage and support indepth evaluation of all criminal justice programs. The approach to evaluation of the M-2 program in California must be shared. There is a need to develop an effective set of measurement criteria for volunteer programs and to develop a broad data base involving a variety of programs so that we can evaluate the effectiveness inherent in volunteer programs.

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> IT IS EASY to get the impression that volunteer programs are unwanted and unwelcome in the institution. This should never be the case. There is no place where willing people from society are needed more.
>
> — JACK B. PARKER AND JOHN A. LACOUR

Volunteers in Corrections: Do They Make a Meaningful Contribution?

By Peter C. Kratcoski, Ph. D.
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AT A RECENT national meeting of the National Association of Volunteers on Criminal Justice, speaker after speaker stressed the point that volunteers are going to be called upon to assume a more extensive role in every aspect of criminal justice and corrections activity. President Reagan has expressed the confident opinion that volunteers can help fill the gaps in social services which will be created by budget cuts and new policies, and this notion has particular importance when applied to what is happening in corrections. The Reagan administration had already proposed a reduction of $11.5 million in the budget of the Department of Justice, with more cuts to come. It has suggested elimination of the Federal Office of Juvenile Justice and Delinquency Prevention, and expects state and local governments to take over its delinquency prevention and diversion projects already in operation. The demise of the Law Enforcement Assistance Administration, elimination of the bulk of CETA programs, and financial pressures within Federal, state, and local agencies all mean less money available to support professional personnel and programs. The extension of determinate sentencing, get tough policies with repeat offenders, and proposed new restrictions on bail for suspects previously convicted or accused of committing crimes all point toward a growth in prison and jail populations and increased demands for correctional services. The number of inmates in Federal and state prisons increased by 20,000 in the first half of 1981, and the National Institute of Justice reported there currently are over 349,000 persons incarcerated in state or Federal prisons. This is a 65 percent increase since 1970. Norman Carlson, director of the Federal Bureau of Prisons, noted that there are 36 state prison systems currently under court orders to resolve human crowding conditions which have resulted from the new trends in sentencing.

These developments call for an examination of what volunteers have been able to accomplish in criminal justice and corrections in the past, the advantages and problems associated with using volunteers in a correctional setting, correctional agency administrators' and staff members' attitudes toward them, and the motivations and satisfactions the volunteers themselves experience.

Historical Perspectives

The earliest criminal justice and social control elements in American society relied upon volunteers. The night watch system used as cities on the Eastern seaboard developed was made up of volunteers, and so volunteers helped maintain law and order when the West was settled. The probation system in the United States was initiated by a private citizen, John Augustus, in 1841, and early parole programs depended upon volunteers until they became part of the formal justice system. At the close of the 19th century, it was volunteers involved in the Child Saving Movement who pressed for legislation separating juveniles from adult offenders and brought about creation of the first juvenile courts. Citizen involvement tends to increase when the public feels that its important needs and concerns are being left unattended.

Volunteer activity has followed a set pattern of development in the past. As Vernon Fox noted, private groups usually initiate new social service programs, and the government becomes involved when the problem becomes too great for private individuals and groups to handle. The next step is that the government agencies begin to subsidize the provision of services, with volunteers then being used to fill gaps which are identified in the services made available through government intervention.

Correctional services in this country have certainly followed this pattern. As probation and parole activities became well organized and institutionalized into agencies, volunteers were used less frequently. Probation and parole departments sought to professionalize their paid personnel and tended to discourage the use of unpaid volunteers.

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However, in the 1950's use of volunteers in criminal justice and corrections began an upswing which peaked in the 1960's, when social concerns and issues became the focus of American life. The rising incidence of crime, particularly types of crime which touched private citizens—street crime, burglaries, violence against the elderly, juvenile crime—led to a tremendous renewal of interest in volunteerism which continued through the 1970's and is still with us today. The National Institute of Law Enforcement and Criminal Justice reported in 1977 that it was aware of approximately 2,000 criminal and juvenile justice volunteer programs in the United States, and it estimated that more than 250,000 people were involved in these programs. As funding available through the establishment of new government agencies made the development of many new programs possible, volunteers were welcomed because it became impossible for the professional employees to provide the types or intensity of services proposed without the assistance of volunteers.

Today, volunteers are involved in every facet of criminal justice and corrections activity. They have formed groups to press for legislative changes on the Federal, state, and local levels, conduct fund raising activities to provide legal assistance to individuals involved in test cases of the constitutionality of court decisions, and are members of commissions pressing for court and prison reform. Although the bulk of corrections volunteers work in jails, prisons, probation, and parole, volunteers are also involved in efforts to establish halfway houses, detoxification centers, refuges for runaways, and job training programs for ex-offenders, and serve in various capacities in such programs already under way. Counseling services for offenders and their families and programs to assist female prisoners in providing care for their children have also been developed with volunteer assistance. Volunteers work with juveniles in many types of tutoring, counseling, supervision, and diversion programs.

Agency Resistance to the Use of Volunteers

Some volunteer programs in corrections have gained national attention and endorsement from politicians and correctional administrators, along with substantial public contributions. However, most volunteers in corrections do not receive extensive funding, publicity, or even wholehearted support of their efforts. In spite of the fact that correctional administrators readily admit that their resources and personnel are under severe pressures, many are reluctant to turn to volunteers for assistance. When approached, they describe past bad experiences with volunteers, or mention problems which have occurred in other agencies. They may still embrace the stereotypical view of a correctional volunteer as being an upper middle class, meddlesome woman, who has little appreciation for the need for rules and security and demands a good deal of staff time and attention, while contributing little that is worthwhile in return.

Concerns of those reluctant to use volunteers tend to focus on the following suppositions:

(1) Some volunteers are fascinated with the possibility of associating with individuals they view as immoral or deviant, and have little real interest in helping the agency. Others drawn to this activity have emotional or psychological problems which make them totally unfit for such work. A few are seeking sexual contacts or criminal associations.

(2) Many volunteers are thinly disguised religious reformers seeking a captive audience for their high pressure sermons and exhortations, and the result of their attempts at evangelism may be the creation of a climate of agitation or insecurity among those approached.

(3) Other volunteers see inmates or those accused and awaiting trial as victims of social or economic circumstances, and view the staff members as overly cynical, suspicious, and security conscious.

(4) Some volunteers violate their privilege of coming into a secure setting by bringing contraband into jails or prisons.

(5) The presence of volunteers creates a need for greater security for their protection, and through their naivete or inexperience they can create situations which physically endanger themselves, staff members, and inmates.

(6) Volunteers may interpret security procedures as forms of cruelty or harassment of prisoners and express uninformed opinions to the media or general public, creating public relations problems for correctional officials.

(7) Volunteers may arouse the expectations and hopes of clients and then bitterly disappoint them by failing to keep appointments or provide support activities they had promised.

David Gooch, associate director of the National Association on Volunteers in Criminal Justice and a former director of volunteer services for the State of Tennessee, stated that in his efforts to increase and coordinate volunteer involvement in corrections he had found some administrators to be receptive and others resistant. However, he further observed that, "Often I found that the ones that were not receptive to the use of volunteers were those who were not receptive to other new ideas in corrections. Some really believed that volunteers wouldn't work. But they didn't convince me.... There's too much evidence to the contrary.... The studies I've read at the very worst show that they (volunteers) are at least as effective as paid staff in the work they do with various types of clients in the system.... I have never seen one that shows that the professional staff is more effective.... Therefore the added kick of involving criminal justice volunteers is the community education factor and increasing the potential of involvement of... hands working on the problem."

The introduction of one successful volunteer program can lead to the use of others. For example, the Portage County (Ohio) jail now has a network of volunteer programs for prisoners which includes visits by ministers, contacts with social service agencies regarding psychological services and mental health, visits by representatives of Alcoholics Anonymous, drug abuse counseling, and an adult education program leading to a high school equivalency diploma. All of these programs were added after an initial volunteer effort, a jail commissary program, proved successful. As Chief Deputy Witkosky, administrator of the jail, stated, "The use of volunteers was never tried in the jail until the volunteers from Kent State Justice Volunteer Center came in. Taking on a new venture of having outsiders, those outside the criminal justice system, come into the jail, interact with prisoners, and handle money and supplies was viewed with some concern. We wondered why volunteers would want to spend their time doing this. In all police organizations today, when you hear the word 'volunteer,' people perk up a little, because normally people don't volunteer for anything. But we were in a bind. We did not have a commissary and Ohio was changing its state standards to require that prisoners have regular opportunities to purchase certain items. We had to send out employees to the stores to purchase them, and this was a waste of manhours and taxpayers' money." The Chief Deputy also said, "There was some concern about the safety of the volunteers. On our second and third floors we have male prisoners, and the majority of the volunteers are female. We were worried about the volunteers, especially since the prisoners have free run of the floor areas during the daytime hours. But so far, because of the way it has been handled and the procedures followed by the volunteers in the program, we haven't had one complaint." He also noted that the cumulative effect of the volunteer program now operating in the jail is that prisoners can express their concerns to people who care and work on some of the problems that brought them into conflict with the law. This has cut down on violence in the jail from being cooped up day after day and not having anyone to talk with but other prisoners.

In summary, it is well to consider that the limitations and potential problems which apply when volunteers come into a correctional setting could apply equally to staff members and might be termed functional hazards of correctional work. As David Gooch observed, "Yes, there are volunteers who fail. Some volunteers do not do a good job, and they should be dismissed, like staff should be dismissed when they are not effective. Volunteers ought to be viewed as unpaid staff. If a staff member is giving you that much trouble, you're going to find a way to deal with him. Likewise with a volunteer. There has to be a volunteer director or staff member who has the responsibility to supervise volunteers."

Mr. Gooch viewed screening, training, and supervision as the keys to successful programs. He stated, "When traveling to different institutions and field offices across the State (Tennessee), and getting their impressions,... I found that their definition of a volunteer was so distorted that if I were an administrator I wouldn't want this person in my agency either. They certainly weren't trained, they certainly weren't doing anything that really had any meaningful impact.... I have seen some pretty pathetic training programs in institutions, because they weren't thought through.... It's (easy) to check out a movie and show it to people that you box into a room... But if you can have good training and good personnel development programs you can have a good volunteer services effort. (This requires that) you think through it, train (volunteers) and address the pitfalls and the dangers."

Volunteers' Characteristics and Motivations

To explore the characteristics and motivations of volunteers, this author conducted a study of volunteers involved with agencies listed in the directory of the Volunteers in Probation Association. A sample of 545 volunteers, representing 36 different programs, responded to the survey questionnaire. In addition, an indepth analysis of the volunteers working in the "Probation Friends" program in Cuyahoga County (Ohio) was undertaken.

A profile of the volunteers showed them to be about equally divided in sex, with slightly more females. They were predominantly white, and the large majority had some formal education beyond high school. All age groups were represented, but almost 40 percent of the volunteers were under 30 years of age. Slightly more than half were married, 30 percent had never been married, and those divorced and widowed rounded out the sample. A large number were professionals, but other types of occupations were well represented.

The desire to help others was a strong motivation for these volunteers, and feelings of civic responsibility and religious convictions were also influential. Some volunteers were seeking personal involvement, while others viewed this work as a new and exciting experience. The least strong motivations were those related to career opportunities, a rather surprising finding in the light of the fact that 17 percent of the volunteers were students.

In expressing their individual reasons for becoming involved, some mentioned general trends they had observed and read about, such as high crime rates or victimization of the elderly, which they felt they might change. Others had personally observed or experienced the inadequacies or injustices of the system or been close to those who had, and wished to spare others the problems they had encountered. Still others felt they had a special ability to counsel or relate to others or were grateful for their own happiness and good fortune and wished to help those less well off.

The volunteers in the sample were almost evenly divided in their assignments to adult and juvenile agencies. Eighty-one percent of the volunteers had received some training before they assumed their duties, but only about half regarded the training as adequate. More than 90 percent of the volunteers felt that they received adequate supervision.

Volunteers' Activities and Effectiveness

The effectiveness of volunteers can be gauged by examining what volunteers do, how well they perform their assigned duties, and whether this activity is a significant contribution to the general correctional endeavor.

The effectiveness of most correctional programs has been measured in terms of recidivism statistics, and this also applies to volunteer programs if the volunteers' activities are directly related to efforts to reduce criminal activity. However, volunteers provide vital services to agencies and the community which may not involve direct supervision or services to inmates, probationers, or parolees. As Norman Carlson, director of the Federal Bureau of Prisons, stated in an address to the National Association on Volunteers in Criminal Justice, "Criminal justice volunteers have been a great ally of ours. What you have done is provide support and assistance as we needed it to help improve our Nation's criminal justice system, not only the part I'm responsible for, the Department of Corrections. We simply must have greater awareness on the part of the public."

In Florida, the State legislature enacted the "Salvation Army Act," (§945.40 Florida Statutes) which provides that "anyone on probation or parole shall be required to contribute $10 per month to a court approved public or private entity providing him with supervision and rehabilitation." Additionally, the Act allows the Salvation Army or other approved public agencies to use its facilities to provide probation supervision and services. A study of the implementation of this program by Professor Charles A. Lindquist of the University of Alabama revealed that the Salvation Army supervises an active caseload of over 6,000 clients in 30 counties. In examining the recidivism of all those who completed the program during a 16-month period, he found a very high success (lack of probation or parole revocation) rate. The Salvation Army programs relied upon both professional correctional counselors and regular Salvation Army staff members to supervise those placed on probation. They provided counseling, supervision, and referrals to other community agencies. Part of the contract with each probationer involved payment of restitution when warranted and payment of fines. While there are other examples of private and nonprofit organizations which have established contractual programs to provide services to correctional clients, the majority of volunteer programs are based and supervised within the organizational structure of a correctional agency.

Another innovative program, known as PACE (Programmed Activities for Correctional Education) was established by John Erwin in Chicago's Cooke County Jail. It uses staff and volunteers to teach inmates basic reading skills and prepares them for employment by training in a modernly equipped shop within the jail. Other programs are oriented toward providing services for the families of those incarcerated. When the crisis of arrest occurs, in most cases the family of the defendant receives no assistance in coping with it. Family members may be bewildered by the chain of events, including the numerous criminal justice personnel and agencies with whom they must deal, sudden loss of income, changes in attitudes and behavior on the part of neighbors, friends, and schoolmates, the need to raise money for bail or legal services, and general feelings of fear and anxiety. Volunteer programs have established crisis intervention centers for such families, which provide information on the criminal justice process, and assistance and counseling to help them redefine their economic dependencies and enable them to locate appropriate community service agencies. Counseling is geared toward assisting them in handling emotional reactions and plan for the future.

The author's research revealed that volunteers' efforts were directed to a wide variety of areas. Much of their activity involved arranging contacts or performing services. This included providing transportation, seeking job opportunities, assisting clients in formulating educational programs, and offering personal counseling and friendship. This function of providing opportunities for friendship may well be the most important function volunteers perform.

The element of caring and concern appears to permeate the correctional volunteer movement, and its importance has been recognized by those who hold important administrative positions in corrections, volunteers, and those who are the recipients of volunteers' efforts. Norman Carlson stated, "That public thinks rehabilitation is the basic goal of prisons and jails. I can't disagree with that, but . . . rehabilitation is very elusive to predict. It is really something that we know little about. I think we assumed in the past that with more resources, more psychologists, more social workers, teachers, and on and on . . . that this would change individuals. I think that research conducted here and abroad conclusively indicates that you cannot coerce a person to change. . . . All we in the field of corrections can do, and I think you can put volunteers in the same situation, is to facilitate change. The word facilitate to me means . . . to provide an opportunity—to provide an atmosphere and environment which demonstrates care, concern and love for our fellow man. If the offender is willing to take advantage of (this) frequently they can and do change. It is a myth in this country that 85 to 90 percent of the individuals who are released from prison immediately go off and recidivate and return to prison. . . . Fortunately, that's not true at all. Many offenders can and do change. We have all seen that experience and it's the only reason so many of us . . . have stayed in the field as long as we do. Because we have to as long as individuals do change—again under the proper environment—particularly an environment that demonstrates our concern about them as human beings. We do want to try to assist them in every way we possibly can. . . . The volunteer is particularly important because you can demonstrate much more than we ... in the category of an administrator. You can demonstrate what society is all about."

Essentially the same message is reiterated by Margaret G. Bidlack, who has been an active volunteer at the Trumbull County (Ohio) jail for more than 4 years. She perceives her role as providing an extra spark of kindness or caring and assisting in some special services which will otherwise not be provided. One of her functions is to serve as a sounding board for inmates' complaints. "The women inmates complain to me frequently about the lack of facilities for laundering their underclothing, that once a week is not often enough for a clean towel, and that even their sheets of toilet tissue are counted." A second function she notes is providing emotional support. "Frequently, among an inmate's first requests is to "have someone bring a picture of my kid." Often the picture is shown to me proudly and lovingly. Repeatedly women inmates ask me to contact their homes to ask relatives to visit them. Too often the answer from home is a denial. I am also asked to contact prisoners' attorneys. People on the outside easily forget those on the inside; so my contact with friends and relatives of inmates to encourage their visits and letters to the jail, to build understanding, to establish better relationships may hopefully help to make their return to society more successful. I have yet to encounter any instance where my communication was resented."

The Criminal Justice Division of Women in Action, Houston, Texas, provides volunteer visitation programs to the Harris County jails, penitentiary visitation, and various educational and therapeutic programs. One inmate, commenting on the efforts of these women, summed up their functions in this way, "I guess they can't change the prison rules. But they really do make life easier by listening, making us feel like people. They don't preach or nothing. They just care." A probationer assisted by a Probation Friend in Cuyahoga County (Ohio) noted that even though his probation was revoked his volunteer friend did not desert him. "Although I am in jail now, my friend has made every effort to try to see me and help me out. I have a good man as a probation friend, and know we will make it together."

An indepth study of the Probation Friends program by this author revealed that the probation officers did not attach the same high degree of importance to the friendship element of the relationship. Several flatly stated that friendship alone is not enough to justify the existence of the program.

Instead, they viewed the probation volunteers as "service brokers," individuals who provide direct services to the probationers in the form of employment counseling and assistance in finding jobs, and obtaining psychological and medical attention and welfare benefits. The officers in this program were generally supportive of volunteer work, and 60 percent of them had served as volunteers in the past. The probation officers also felt that some activities were definitely *outside* the scope of volunteer work. The specific areas in which they felt the volunteers should not become involved include interfering with the officer and probation rules, acting as a supervisory or authority figure, getting too personally involved, misleading the probationer by having him expect rewards, and giving legal advice. The probation department administrators, while generally supportive of this volunteer program, did express some concern about its functioning. They felt that many of the problems and areas of conflict between the volunteers and the probation officers could be eliminated with improvement in communication. Even the strongest supporters of the program suggested that the goals and objectives of the program be specifically stated in measurable terms and that the means the volunteers used to accomplish these goals should also be specified, that potential volunteers should be more carefully screened so that better matches between client and volunteer could be made, that more emphasis should be placed on providing concrete services and utilizing specific skills of the volunteers, and that the probation officers should receive feedback from the volunteers on the progress of the clients.

Conclusion

It is reasonable to expect that continued and expanded citizen involvement in the criminal justice process, and specifically in corrections through volunteerism, can make a vital contribution. However, the existence of a program presupposes that funds and resources will be allotted to its administration. Since an ineffective volunteer program is worse than none at all in the sense that funds, efforts, and scarce resources are wasted, programs in the future must prove effective enough to justify their own existence. Those who are administrators of volunteer organizations are the first to agree with this assessment.

Jeff Pryor, director of "Partners," a pioneer program in criminal justice volunteerism, frankly states that, "The future of criminal justice volunteerism will be directly related to the credibility it can establish. At present, the credibility of volunteerism is relatively low. Over half of all volunteer programs fail within 2 years, and criminal justice organization administrators are skeptical. While the volunteer programs and the individuals who staff them and serve as volunteers are not perfect, they do have a common goal, that is, to fill the void that has been created.

A report by the Joint Commission on Correctional Manpower and Training revealed that directors who had used volunteers were enthusiastic about them and planned to expand their activities, while those most opposed to including volunteers had little or no actual experience in their use. Reluctant administrators may not be aware of the purposes and goals of the proposed volunteer program, or they may have had negative experiences with volunteer programs in the past. Staff members of correctional agencies frequently voice the complaint that volunteers get to do all of the "good guy" things with offenders, while professional staff must assume the enforcement and sanctioning aspects of supervision. In the author's study, probation officers in one agency revealed that in some instances volunteers criticized the professional staff in the presence of offenders and allowed probationers to circumvent rules set by the officers without receiving penalties for these violations.

The manner in which proposed use of volunteers is presented to professional staff members appears to be crucial to their successful utilization. If roles and hierarchies of authority are clearly defined from the outset, authority and role conflicts between staff members and volunteers can be avoided. When professionals and volunteers view themselves as performing complimentary rather than competitive functions, they can cooperate most fully.

Crucial factors in volunteer retention are effective training, matching the volunteers' talents with the needs of the agency, recognition of volunteers' efforts and successes; feedback on the success of efforts with offenders; establishment of a friendly, relaxed, cooperative staff-volunteer relationship; and recruitment from minority groups of volunteers who can relate particularly to specific types of offenders. The development of precise job descriptions for volunteers could go a long way toward alleviating staff-volunteer conflicts, and input from staff members and experienced volunteers when new programs are being developed could result in maximization of the volunteers' potential contributions.

A Delphi Assessment of the Effects of a Declining Economy on Crime and the Criminal Justice System

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FEW AMERICANS would claim that the economic situation is not a major concern. In recent years, the public has been lambasted by double digit inflation, a fact of life that steadily eats away at the individual's or family's buying power. In fact, a recent study conducted by Tax Foundation, Inc., a Washington-based research group, indicated that despite the fact that American workers earn twice as much today as in 1970, their real income—adjusted for inflation and taxes—has decreased by 5 percent.[1] Furthermore, there is no sign on the horizon of a quick resolution to the inflation problem. We can expect some fluctuations in the rate during upcoming years, but any hope of the end of inflation would undoubtably be false hope.

The effects of inflation alone are serious enough; however, the economic woes of the Nation are not limited to inflation. A second nagging, and possibly more serious, problem is that of stagnation—failure of the economy to grow. The American economy is known to fluctuate—periods of upswing, i.e., growth, are followed by periods of downturn, stagnation and recession; however, general and widespread pessimism seems to have set in concerning the status of the economic situation. Richard Levine, a writer for *The Wall Street Journal*, observed that "the once mighty U.S. economy, following years of neglect and overuse, is aging and tired."[2] Felix Kaufman has been even more specific in his description of the future status of the economy:

> The 1980s will arrive in the United States accompanied by such burdensome economic baggage as rapid price increases and escalating interest rates, slow growth and slackening innovation, capital shortages, and a further erosion of already low productivity. These conditions will be exacerbated by severe labor shortages in certain areas that will push inflation upward while holding growth down.[3]

The direct effects of stagnation are fairly clear: increasing unemployment and inflation. The solution to the problem most probably lies in significant capital investment for the purpose of reindustrialization.[4]

For most Americans, the economic situation is having and will continue to have a significant impact on their lives. We have been told that we are going to have to tighten our belts, earn less, buy less, and stay a little colder in the winter and warmer in the summer. Those, however, are the direct effects of economic adversity. What about the secondary effects? Will the number of people receiving public assistance increase? Will the number of suicides increase? Will intensified stress brought on by economic adversity influence the incidence of mental illness and heart disease? Will economic decline produce an actual increase in crime? It is the last question which is of interest in this article.

Concern about the possible effects economic adversity might have on the problem of crime raises a number of interrelated issues. The first, and most obvious question which comes to mind is whether the incidence of crime will increase during an economic decline. If there is a relationship between economic factors and crime, then is it a linear relationship, is there a threshold effect, and is there a lag period before crime rates will respond to economic change? It would also seem to be important to consider whether certain types of crime—property versus personal, for example—will be more likely to be affected by economic decline. Furthermore, an additional concern is whether the criminal justice system could respond to any change brought on by an economic downturn.

The Research Problem

The basic question to be addressed in this article involves the effects which future economic adversity will have on the problem of crime. Obviously, the situation in which we are interested in examining lies in the future. This fact clearly precludes the direct study of the problem. We cannot examine a phenomenon which has not occurred; however, we can infer or predict what might happen based on the knowledge which we presently have concerning the situation. This activity is known as forecasting and has been carried out by utilizing various techniques.

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[1] As reported by Louis Cook, "Real Income Deadline in 10 Years," Associated Press story in *The Saturday Press*, Binghamton, N.Y. (October 18, 1980), p. 1.

[2] Richard Levine, "The Outlook: Review of Current Trends in Business and Finance," *Wall Street Journal* (June 25, 1979), p. 1.

[3] Felix Kaufman, "The Jobs that Nobody Wants: Economic Challenges of the 1980s," *The Futurist* (August 1979), pp. 269-74.

[4] For a discussion of this idea, see Amitai Etzioni, "Work in the American Future: Reindustrialization or Quality of Life," in Clark Kerr and Jerome M. Rosow (eds.) *Work in America*. New York: D. Van Nostrand, 1979, pp. 27-34.

Several researchers interested in the effects which the economy might have on crime in the future have turned to one of the most obvious, strongest, and most widely used methods to study this sort of problem. The technique known as predictive forecasting utilizes information concerning the relationship of the two factors in the past to predict what will happen in the future. In other words, the strength and nature of the relationship between economic factors and crime is examined and the observed covariance is used to predict what might happen in the future. In a most extensive review of this research, Long and Witte found "only weak support for simple economic models of crime which see high unemployment, low incomes, and high returns to illegal activity as a major factor is causing crime."[5] The literature suggested that the production function between the two variables was much more complex in that the type of crime and type of individual are important in understanding the relationship.

There are two basic but extremely important problems with this form of research and forecasting. The first problem involves the nature of the data which has been used to examine the relationship between the factors in the past. Aggregate data which has been used in some studies is somewhat suspect in that its accuracy is questionable. Whether FBI crime statistics accurately indicate levels of criminal behavior has been an unresolved topic of controversy for many years. Beyond the question of accuracy is a question of meaning. What aggregate data actually measures is often fuzzy. For example, do FBI crime rates indicate criminal activity, enforcement activity or some combination of both? Aggregate data can also be faulted for its lack of sensitivity to change. Individual data concerning criminality and economic status which has been used in selected studies has also been criticized. The results from particular studies may lack generalizability to the general population. Furthermore, most studies which utilize individual data tend to be terribly specific and are consequently somewhat limited in what they can infer.

The second problem with predictive forecasting lies in a basic assumption of the technique. That assumption is that the trends established and observed in the past will continue into the future. In other words, if as unemployment has increased in the past, a precipitant and corresponding increase in crime has occurred, then we should expect the same in the future. It seems plausible, and certainly possible, that the economic future which we face might be unique enough or severe enough, that new, and unanticipated, effects on crime might precipitate. Furthermore, there may be a threshold effect in the relationship between economic factors and crime such that the economic situation must be extremely bad before a significant change in criminality will be produced.

These faults with predictive forecasting seem to indicate the need for exploring other forecasting techniques. In moving away from forecasting techniques which utilize predictive modeling, one must turn to techniques which tend to be less objective and more subjective. Two of the most widely used techniques of this sort are the development of scenarios and the analysis of the predictions of experts. However, simply because these techniques are more subjective certainly does not discredit the methods. Humans are wonderful processors of information and are capable of considering factors which are difficult to build into a predictive model. A forecast of a predictive model is only as good as the model; a scenario or a forecast of experts is only as good as the ability of the participants to analyze and predict based on their knowledge of the situation.

Method

As stated above the research problem of this study concerns the effects which the future economic situation will have on the problem of crime. It was the author's hypothesis that the economy will substantially decline during the next decade and that factor may produce changes in the incidence of criminality as well as affect the ability of the criminal justice system to respond to those changes. In order to study this problem, the author selected a subjective forecasting technique which analyzes expert opinions and is known as the Delphi approach. The technique has been succinctly described as follows:

> The Delphi method, developed during the late 1940s by the Rand Corporation, attempts to overcome these difficulties (encountered in systematically assessing expert opinions) by

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[5] Sharon K. Long and Ann D. Witte, "Current Economic Trends: Implications for Crime and Criminal Justice," in Kevin N. Wright (ed.) *Crime and Criminal Justice in a Declining Economy*. Cambridge: Oelgeschlager, Gunn, and Hain, Publishers, 1981.

> forcing experts involved in the forecasting exercise to voice their opinions anonymously and through an intermediary. The intermediary acts as a control center in analyzing responses to each round of opinion gathering and in feeding back opinions to participants in subsequent rounds. Thus, the Delphi technique is a systematic procedure for soliciting and organizing "expert" forecasts about the future through the use of anonymous, iterative responses to a series of questionnaires, and controlled feedback of group opinions. By following such a procedure, it is hoped that the responses will converge on a consensus forecast that turns out to be a good estimation of the true outcome.[6]

The first step in the implementation of the Delphi assessment of the project consisted of the selection of a panel of experts.[7] A pool of potential participants was generated by identifying a group of people (20 in number) who fell into at least one of the following categories: (1) individuals who are by profession economists, and who have conducted analyses of crime trends; (2) individuals whose profession is criminal justice and who have conducted analyses of crime trends; or (3) individuals who are criminologists and who have used economic variables in their explanation of criminality. After the pool of potential participants was identified, they were contacted by letter in order to ascertain whether they were willing to participate. The nature of the project as well as the technique was carefully explained in the letter and a card to indicate one's willingness and unwillingness to participate was provided for their return. A final panel of eight experts was obtained, one of which subsequently dropped out, leaving a final panel of seven individuals.[8]

The medium used to obtain the experts' opinions was a mailed questionnaire. The instrument was designed to seek information about six basic questions:

(1) whether or not economic fluctuations will affect the crime rate;
(2) whether the crime rate will increase or decrease during economic downturn;
(3) what economic conditions or factors will influence the crime rate;
(4) at what threshold point will economic changes begin to influence the incidence of crime;
(5) the incidence of what specific crimes might be influenced during an economic downturn;
(6) what reaction of social and crime control institutions to a changing rate of crime in a declining economy might be expected.

Once the questionnaire was mailed to the participants and returned, the next stage of the Delphi procedure involved a second iteration of questioning. The researcher, acting as the intermediary analyzed the responses to the first questionnaire. The mean and standard deviation or frequency distributions were computed for each item of the questionnaire. These results were then incorporated into a second instrument which was presented to the experts. The participants were then asked to reconsider their responses from the first round in relation to the statistics which were provided. The members of the panel were thus given an opportunity to revise their responses according to the group estimate. If any participants' response to any question deviated appreciably from the group norm, then they were asked to provide an explanation of their position. A third iteration was planned; however, it became unnecessary as the responses began to converge after the second round of questioning.

It should be noted that utility of the Delphi method as a forecasting technique is a matter of controversy. Both its methodology and its application have been criticized.[9] It is important, however, to realize that the method is intended to be used "as a vehicle to help discover and explore vague and unknown future issues that would be otherwise difficult to address."[10] If the results of the Delphi are interpreted and used in context of its purpose, then its utility seems to be justified. Sullivan and Claycombe have succinctly summarized its use noting that it "should be used with the realization that the results would be more in the nature of a structured brainstorming session as opposed to a highly scientific exercise in prediction."[11] Since there is a relative dearth of information about the relationship between economic fluctuation and changes in the incidence of crime, and since, from a policy standpoint there is an urgent need for information concerning that relationship, the use of the Delphi method for the task at hand seems quite appropriate.

Results

The members of the expert panel were first asked a series of questions about the extent and nature of economic adversity which they expected during the 1980s. This information serves as a basis for subsequent considerations of relationship between economic decline and crime. When asked if they thought the economy would significantly improve, slightly improve, remain unchanged, slightly worsen or significantly worsen, the opinion was consistently pessimistic. None of the respondents indicated they expected the economic situation to improve. Three experts thought that the economy would slightly worsen, and three thought it would significantly worsen. The one individual who predicted that the economy would remain unchanged did so because he expected that the economy would fluctuate in such a way that the net result would be little change.

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[6] William G. Sullivan and Wayne Claycombe, *Fundamentals of Forecasting*. Reston, Virginia: Reston Publishing Co., 1977, p. 140.

[7] Large n-sizes similar to those used in empirical research are not required in a Delphi assessment. The goal is not to represent the opinions of some larger group but is to obtain the best conjecture based on the opinions of experts.

[8] All seven experts had conducted research on and written about the relationship of crime and economic factors. Five of the panel were academics who represented a broad cross section of the social science disciplines. One panel member whose background was criminology taught in a sociology department, a second was trained as a political economist and was associated with a community development and criminal justice program, another also taught in a criminal justice program and had economic training. The remaining two academics taught in criminal justice departments; one's specialty was penology; the other's law enforcement. The remaining two panel members were economists who had recently conducted research concerned with crime causation and the economy. One was associated with a major criminal justice foundation, the other with a national criminal justice public interest organization.

[9] H. Sackman, *Delphi Assessment: Expert Opinion, Forecasting and Group Process*. Santa Monica: The Rand Corporation, R-129-3-PR, 1974.

[10] Sullivan and Claycombe, op. cit., p. 143.

[11] Ibid.

When asked about specific forms of adversity, the experts were once again fairly consistent in their expectations. All of the panel thought that significant unemployment (greater than 8%), a significant loss of individual buying power, and low economic growth were quite likely. The panel as a whole, with one exception, thought that continued high inflation (double digit) and recession were also probable during the 1980s. The panel as a group, however, did not expect a depression. Having stated that they felt that the economy would worsen, the panel then indicated that unemployment, loss of buying power, and inflation would be the primary contributors to fluctuation in the incidence of crime. Drops in stock prices, low economic growth, and depression were considered to be much less important, and recession somewhat less important.

Based on their predictions of economic adversity, the panel of experts were asked whether or not they expected various categories of crime to increase as a result of that adversity. The panel foresaw little increase as a result in the personal crimes of murder, average of a 3 percent gain, and assault, average of a 4 percent gain, as well as drug offenses, with an average predicted gain of 6 percent. Significant increases in the incidence of tax evasion and violations of OSHA standards, offenses generally considered to be crimes of the middle and upper classes, were predicted. The panel's estimates of the percentage increase of tax evasion ranged from 15 to 50 percent with an average of 30 percent, and their estimates of OSHA violations ranged from 25 to 30 percent increases with an average of 28 percent. Moderately high increases in burglary, robbery, petty larceny, arson, forgery, embezzlement and employee theft, and price fixing were also expected.

The respondents were next asked a series of questions concerning (1) what percentage of unemployment would be necessary, (2) what length of time would double digit inflation have to be experienced, (3) what percentage drop in individual buying power would be necessary, and (4) what length of time would a no growth economy have to be experienced before a 10 percent rise in various categories of crime would occur. In the case of person crimes including murder and assault, the majority of the panel members indicated that they did not believe any of the four economic factors would have any appreciable effect no matter how bad they became. When a panel member did indicate that the economic factor would influence person crime, it was only after a lengthy period of double digit inflation or no growth economy or after the occurrence of a high percentage of unemployment or high percentage drop in individual buying power. The panel predicted that approximately a 10 percent drop in unemployment, a year of double digit inflation, a 15 percent drop in individual buying power, or almost 2 years of no growth in the economy would produce a 10 percent rise in property crime such as burglary, robbery, and so forth. Lengthy periods, from 1½ to 2 years, of double digit inflation or no growth in the economy were predicted to be necessary to produce at least a 10 percent gain in either white collar or corporate crime. A decrease of approximately 15 percent in individual buying power was also expected to create a 10 percent increase in white collar and corporate crime.

The experts, with one exception, did not expect a 10 percent rise in person crimes if a general recession occurred during the 1980s. They did expect, however, that property theft, white collar crime, and corporate crime would increase by at least 10 percent under the conditions of recession. These predictions for changes were approximately the same if a depression were to occur during the 1980s; however, the proportion believing person crimes would go up did increase.

Three factors were clearly identified by the experts as being important in producing fluctuations in the incidence of crime during an economic decline. They were relative deprivation, demands for high profits, and the limits placed on alternative options. Additionally, it was indicated that four factors—the breakdown of norms and decay of values, the loss of deterrent effectiveness, reduced mobility and greed—would not play a role in the production of fluctuation in the incidence of crime. There were mixed opinions about a number of other factors.

The expected lag-time between the onset of economic adversity and the effect on the incidence of crime varied according to category of crime. The experts thought it would take almost 2 years before adversity would have any effect on person crimes but would take only 10 months before it affected property theft. A period of 1 year was expected to lapse before the effects of economic decline began to take effect on white collar and corporate crime.

The opinions of the experts were split on whether or not the ability of the criminal justice system to provide crime control services would be diminished during the 1980s due to a lack of fiscal resources. Four respondents thought services would be diminished; three did not. Those who did not expect a reduction based their conclusion on the belief that the system does not have much effect on crime control presently; thus, there is little that can be affected.

The experts who believed that the ability of the system would be diminished thought that actual budget cuts due to Proposition 13-type action and the effect of inflation would be responsible for reduction in fiscal resources. It was predicted that a moderate to significant reduction in resources would hit the public defenders, probation, and parole officers. The attitudes toward the effects of adversity on the police and agencies were mixed. In considering the effects of economic adversity on the processing of criminal offenders, the panel as a whole generally predicted a decrease in the use of probation and an increase in the use of prison. Other expectations were for the most part mixed.

Conclusions

Expectations concerning the economy and its effects on crime and criminal justice as discussed in the preceding sections can be summarized by six points:

(1) The economic situation should worsen during the 1980s with significant unemployment, losses in individual buying power, low economic growth, high inflation and recession. Severe economic adversity such as depression is unlikely.

(2) Crimes against persons should not significantly increase since this category of offense is not influenced to any extent by economic fluctuations.

(3) Extremely high increases in white collar and corporate crimes such as tax evasion and violations of OSHA regulations should be expected during the 1980s.

(4) Moderately high increases in various property crimes including burglary, robbery, petty larceny, arson, forgery, embezzlement and employee theft, and price fixing should be expected in the 1980s.

(5) Unemployment, the loss of buying power, and inflation will be the primary direct causes of the increases. Important factors in the production of criminality will include relative deprivation, demands for high profits, and limited alternatives.

(6) The criminal justice system may be presently quite limited in its ability to affect crime control; however, economic adversity may further reduce service delivery. The public defenders, probation, and parole offices are most likely to bear the brunt of any significant resource cuts.

The conjecture of the future as described by these six points is basically a conservative one. The economic situation will worsen, but the economy will not collapse. Specific categories of crime will increase but others will not. An uncontrolled outbreak of crime is certainly not foreseen. The least powerful criminal justice agencies are expected to suffer most from budgetary cutbacks.

The predictions seem to be consistent with current trends. While the economic situation is thought to be tenuous, most analysts are foreseeing decline as a result of the need for reindustrialization but no longer see depression as highly likely. Studies of the economy and crime have pointed out that increased tax evasion is quite likely during an economic decline, that property crime does seem to be related to the economy in a complex to changes in the economy. Exchange theory and research has shown that the least powerful agencies within a given network are the least likely to fair well in the competition for scarce resources.

Presumptive Parole Dates: The Federal Approach

BY BARBARA STONE-MEIERHOEFER, Ph.D., AND PETER B. HOFFMAN, Ph.D.*

AN OVERVIEW of the goals and structure of the U.S. Parole Commission's approach to parole release decisionmaking is presented in this article; and the relationship of this approach to the philosophical concerns of equity and determinacy is highlighted.[1]

The statute governing Federal parole release consideration sets forth the following criteria for parole release: (1) that an eligible prisoner has substantially observed the rules of the institution(s) to which he has been confined; (2) that release would not depreciate the seriousness of his offense or promote disrespect for the law; and (3) that release would not jeopardize the public welfare. In addition, the statute mandates the use of paroling policy guidelines as a flexible means of structuring decisionmaking discretion to provide equity among groups of similar offenders without removing the opportunity to consider individual case factors.[2]

In developing the guidelines and other rules and procedures to implement this statutory mandate, the Parole Commission has attempted to pursue three general objectives. First, the specific guidelines established must reflect the parole release criteria set forth in the statute. Second, to provide equity, the guidelines established must be sufficiently explicit and detailed to permit consistent decisionmaking among similarly situated offenders. Third, unnecessary uncertainty as to the date of the prisoner's eventual release is to be avoided through early notification of the tentative date of release from prison; yet this procedure must be flexible enough to permit modification of a release date should there be significant change in circumstances. The Parole Commission has attempted to reach these objectives through the development of a system of explicit guidelines for decisionmaking combined with a presumptive release date procedure.

Setting a Presumptive Release Date

The first stage of the decisionmaking process takes place within 120 days after incarceration when almost all Federal prisoners are eligible for an initial parole hearing.[3] At this hearing, the paroling policy guidelines are calculated, the case is assessed against these guidelines, and the prisoner is notified of a presumptive date of release.[4]

The Concern of Equity

The paroling policy guidelines calculated at the initial hearing are an important tool in the overall parole decisionmaking process (see Appendix A).[5] These guidelines provide a scheme for classifying offenders into groups which are similar in relation to (1) the seriousness of the offense they committed; and (2) the risk of recidivism presented to society.

The determination of offense seriousness is accomplished with reference to a severity scale which classifies examples of common Federal offense behaviors into seven categories of seriousness. A "risk" of recidivism determination is then made with the aid of an actuarial device containing six items (primarily concerning prior criminal record) which, taken together, have been found to relate to the likelihood of recidivism. This device, known as the "salient factor score," is used to classify cases into one of four risk categories.[6] The guideline matrix then sets forth a customary range of months to be served in prison for the applicable combination of offense severity and parole prognosis assessments. This guideline range presumes good institutional behavior.

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[1] U.S. Parole Commission regulations are published at 28 C.F.R. §§2.1-2.60 (1981) [as amended by 46 *Federal Register* 35635-35640 (July 10, 1981)].

[2] 18 U.S.C. §§4201 et seq. See particularly, 18 U.S.C. §§4203 and 4206.

[3] The procedures governing initial parole hearings are at 28 C.F.R. §2.12, 2.13 (1981). The exception to the early hearing provision of the presumptive date plan is that prisoners with minimum sentences of 10 years are not heard until just prior to their eligibility date. This stems from the regulation which prohibits the setting of a presumptive release date in excess of 10 years from the date of the hearing.

[4] The only prisoners not given a presumptive release date at the initial hearing are those for whom the Commission does not feel release within 10 years from the date of the hearing would be appropriate. These prisoners are continued for a 10-year reconsideration hearing at which all of the facts of the case are reevaluated against the guidelines calculated at the initial hearing for possible setting of a presumptive release date. It is to be noted that any presumptive release date must be set within the limits of the judicial sentence imposed (i.e., it may not be set earlier than the judicial minimum sentence, if any, nor later than the mandatory release date).

[5] 28 C.F.R. §§2.20 and 2.21 as amended by 46 Federal Register 35635-35640 (July 10, 1981). For an overview of the development of the paroling policy guidelines, see: D.M. Gottfredson, L.T. Wilkins, and P.B. Hoffman, *Guidelines for Parole and Sentencing*, Lexington, MA: Lexington Books (1978).

[6] For a summary of the method used in construction and validation of the salient factor score, see: P.B. Hoffman and S. Adelberg, "The Salient Factor Score: A Non-Technical Overview," 44 FEDERAL PROBATION (1980) pp. 44-53.

Calculation of the appropriate guideline range is the necessary first step in decisionmaking; however, the actual release decision rests on an assessment of each individual prisoner's case against the guideline parameters. The guidelines do not prescribe the *only* factors which are to be taken into account at the initial parole hearing. Rather, they specify that offense severity and risk are primary factors that must be considered in *every* case. Other case-specific factors are then used to place the actual release decision at a point either within or outside of the appropriate guideline range. If the circumstances surrounding an individual case contain no substantial aggravating or mitigating circumstances, a decision within the guidelines will be chosen. If, however, there are significant aggravating or mitigating circumstances surrounding the case, departure from the guideline range—either above or below—would not only be permitted but would be called for.[7] When aggravating or mitigating factors sufficient to warrant a decision outside of the guideline range are found, specific written reasons for the departure must be provided.[8]

The Concern of Determinacy

The outcome of the initial parole hearing is the setting of a presumptive date of release, the aim of which is to place a particular offender in fair relation to other prisoners with respect to offense severity and risk of recidivism. This presumptive release date may be set up to 10 years from the date of the hearing, and may be either a presumptive parole date or a decision to continue the prisoner to the expiration of his/her sentence less institutional good time (when the prisoner's sentence is not long enough to accommodate the particular time-served decision deemed appropriate).[9] If confinement of more than 10 years is indicated, the prisoner will be rescheduled for a full reconsideration hearing in 10 years. Actual release upon the presumptive parole date is contingent upon maintenance of a good conduct record and development of an acceptable release plan.

By making a presumptive release decision early in the parole process, the prisoner is given certainty to the extent that a release date has been set which cannot be taken away except for specified reasons. However, the early notification provision also has the effect of limiting the information considered in making this initial decision to that which is known at the time of commitment. Those relevant release factors which come to light during the course of imprisonment are the focus of subsequent reviews.

Modification of a Presumptive Release Date

After a presumptive release date is set, there are two types of regularly scheduled parole considerations. First, approximately 6 months prior to a previously set presumptive parole date, a record review is conducted to ascertain whether or not the conditions of the presumptive date (i.e., satisfactory conduct and an acceptable release plan) have been met. Second, by statute, prisoners are given an in-person parole review hearing every 18 months (prisoners with sentences of less than 7 years) or 24 months (prisoners with sentences of 7 years or more).[10] In addition to these regularly scheduled considerations, there is provision for the reopening of a case at any time upon receipt of new and significant information.[11]

Decisionmaking at these subsequent considerations focuses on whether there have been any changes in circumstances since the previous hearing significant enough to warrant a change in the presumptive release date. In designing the presumptive date process, the Commission has attempted to balance the sometimes competing aims of determinacy and equity. That is, allowance of any change in a presumptive date, by definition, decreases the certainty of the initial release decision. However, it is the Commission's position that offenders, through institutional behavior or other changes in circumstance, may need to be differentiated from those to whom they were considered "similar" when the presumptive date decision was originally made. It would therefore be inequitable if the previously set release date could not be adjusted to reflect these differences when they occur.

To consider all of the relevant information demanded by equity, while still eliminating unnecessary uncertainty, the Commission has specified the factors which may be relied upon to modify a presumptive date, and has established decisionmaking guidelines for the two most commonly occurring change factors: institutional misconduct and superior program achievement.

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[7] The U.S. Parole Commission's Procedures Manual (Appendix 4, Section V) provides examples of the more common factors which may warrant a decision outside the guidelines.

[8] 18 U.S.C. 4206(c).

[9] When a prisoner is denied parole, this does not mean that he or she will serve the entire sentence imposed by the court in prison. Release from prison in the absence of parole is effected upon expiration of the full term sentence less statutory good time (up to 10 days a month) and earned extra good time (up to an additional 5 days a month). Upon release, a prisoner denied parole will be supervised as if on parole up to the full term date of the sentence (less 6 months).

[10] 28 C.F.R. §2.14 (1981).

[11] 28 C.F.R. §2.28 (1981).

Postponement of a Presumptive Date

Disciplinary Infractions

As stated earlier, the Commission's paroling policy guidelines assume good conduct while confined. A record of serious disciplinary infractions does not meet this presumption, nor would it meet the statutory requirement that the Commission consider whether the prisoner has substantially obeyed the rules of the institution in which confined. Therefore, poor discipline is considered by the Commission as good cause to rescind a previously set presumptive parole date provided the infraction(s) has been adjudicated under the Bureau of Prison's Institutional Disciplinary Committee procedures.[12]

The purpose of the Commission's rescission guidelines (see Appendix B)[13] is to facilitate consistent decisionmaking in sanctioning rule infractions. These guidelines specify the customary period of prison time to be added to the original presumptive release date for prisoners who commit various types of disciplinary infractions. It should be noted that rescission guidelines only apply to those prisoners to whom the Commission has given a presumptive or effective date of parole. If the Commission has continued a prisoner to the expiration of his/her sentence less institutional good time, the sanctioning of disciplinary infractions is within the authority of the Bureau of Prisons which may take away the prisoner's institutional "good time" and, thus, delay the prisoner's mandatory release date.

The Parole Commission's rescission guidelines classify infractions into three categories. The first category, "administrative infractions," includes conduct prohibited by institutional rule, but which is not a criminal law violation.

A second category includes escape or attempted escape. The rescission penalty for escape depends on the type of institution from which the prisoner escaped and the length of time in escape status. The "escape" penalty is separate from that to be applied for any other criminal acts that may be committed during the escape.

A third category includes conduct which constitutes new criminal behavior (other than escape). A distinction is made as to whether the new criminal behavior occurred in an institutional setting, or whether it occurred while the prisoner was actually in the community (e.g., on furlough, on work status from a community treatment center, or in escape status). In each case, the rescission penalty is determined by assessing the seriousness of the new criminal conduct using the severity scale of the paroling policy guidelines such that the more serious the rescission behavior, the more time is added to the previously set date. If the criminal behavior occurred while the prisoner was in the community, the risk of recidivism dimension (salient factor score) is also recalculated. The result is that the rescission guidelines for new offenses committed in the community call for the most additional prison time to be served.

Failure To Establish a Suitable Release Plan

A previously set presumptive parole date may also be retarded if the prisoner fails to establish an acceptable release plan. A release plan is initially proposed by the prisoner and his/her caseworker. It is then sent to the probation office located in the proposed area of release for verification of the details of the plan and the probation officer's recommendation as to its suitability. The plan is then submitted to the Parole Commission for approval. An acceptable plan will generally include a place to live and a place of employment (or schooling). If a prisoner has limited community resources, an effort is made to release such prisoner through a community treatment center (halfway house) for the purpose of obtaining employment and housing.

If an acceptable release plan has not been approved by the time of the parole date, the parole date may be retarded while efforts are made to secure an approved plan. If, after 120 days, the prisoner is still without an approved plan, a hearing must be held to discuss the problem and explore alternative solutions.[14] The case must then be reviewed at least every 30 days so that continuing efforts to secure release can be monitored.

Prior to actual release, the prisoner must sign the release certificate agreeing to the general, and any special, conditions of parole supervision. Failure to sign this certificate will result in waiver of parole.

New Adverse Information

A presumptive parole date is given under the assumption that all relevant information is known and has been accurately presented to the Commission. If any significant information adverse to the prisoner comes to the attention of the Commission subsequent to the granting of a presumptive date, the case may be reopened for another hearing from which a more adverse parole decision may result.[15]

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[12] 28 C.F.R. §2.34 (1981). The Bureau of Prisons may handle disciplinary infractions in an informal manner (through which only minor sanctions may be imposed) or may refer consideration of infractions to an Institutional Disciplinary Committee hearing. Only the latter method of adjudicating infractions provides the standard of due process required of the Parole Commission when considering rescission of a parole date.

[13] 28 C.F.R. §2.36 (1981).

[14] 28 C.F.R. §§2.12 (d) and 2.28 (e) (1981).

[15] 28 C.F.R. §2.28 (c), (d), and (f) (1981).

Advancement of a Presumptive Date

Superior Program Achievement

In addition to assuming good conduct, the paroling policy guideline range also assumes good program performance. However, where a prisoner subsequently demonstrates exceptional positive institutional achievements over a sustained period of time, the previously set presumptive date may be reduced according to a schedule of limited rewards under the superior program achievement guidelines (see Appendix C).[16]

The superior achievement guidelines provide a specified normal maximum limit (in months) by which a previously set presumptive date may be advanced. This maximum limit is purposely kept small so as not to reintroduce the gross uncertainty which the presumptive date system was designed to eliminate. Additionally, keeping the potential reward small reduces the likelihood of prisoners participating superficially in programs merely to impress the Parole Commission in the hope of obtaining a substantially earlier release date.[17] By limiting the impact of positive institutional achievements, the Commission is also stating a philosophical position that, although positive institutional behavior is appropriately considered in making the ultimate release decision, considerations of offense severity and risk should remain primary.

The objective of the superior program achievement guidelines is to specify small but meaningful incentives to reward prisoners who choose to spend their prison time in an exceptionally constructive manner. While in some respects the superior program achievement guidelines represent the courterpart to the rescission guidelines, there are several important differences between the two.

First, the size of the potential reductions is tied to the total length of prison time to be served as established by the original presumptive date. This tie is important because the perceived size of the reward is, of course, relative. For example, in light of the above discussion a potential 6-month reduction may seem an appropriate incentive for a prisoner with a 50-month presumptive date. But the same potential 6-month reduction would appear excessive for a prisoner with a 12-month presumptive date. This relationship between the superior program achievement guidelines and the length of time required by the original presumptive date is in contrast to the structure of the rescission guidelines, which set customary penalties for specific misconducts to be served in addition to, and independent of, the length of time required by the previously set presumptive date.

Second, the superior program achievement standards state that accomplishments in any area of activity or job performance can be considered, and that a clear conduct record is, in itself, not sufficient. The guidelines do not, however, describe the specific types of behavior which can be considered by the Commission to be "superior." To do this would be an overwhelming task because the definition of what is considered "superior program achievement" for one prisoner may not be considered "superior" for another. Prisoners enter the Federal prison system with a wide array of talents and weaknesses. To complete five college courses while in prison may not be that exceptional for a prisoner who already has a law degree. However, this accomplishment may indeed be considered "superior" for a prisoner who previously has been unable to succeed in the educational system.

Therefore, application of the superior program achievement guidelines involves a substantial amount of subjective judgment. Yet, by limiting the maximum amount of time to be awarded, potential inconsistency is minimized; and program participation, while encouraged, is not coerced.

Other Exceptional Circumstances

In addition, a previously set presumptive date may be reduced for other exceptional factors such as severely deteriorating health; isolated acts of unusual responsibility or courage, which though not "sustained" nonetheless merit recognition (e.g., helping others during a fire); or the receipt of new favorable information concerning the circumstances of the case not previously known.[18]

Summary

The U.S. Parole Commission's procedures have evolved over the years from a system which a decade ago made parole decisions on a case by case basis with essentially no structure, through a period where structure was developed for paroling decisions in the form of paroling policy guidelines, to the current system which combines the use of guidelines with the setting of presumptive dates.

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[16] 28 C.F.R. §2.60 (1981). It should also be noted that the Parole Commission does not punish lack of program achievement. The previously set presumptive date sets the outside release decision assuming the discipline and release plan conditions are met. However, a prisoner, while incarcerated, may not remain idle. In addition to elective activities, a prisoner is required to perform a job assignment within the prison. A prisoner's refusal to work may be cited as a disciplinary infraction. If serious enough to be referred by the Bureau of Prisons to an Institutional Disciplinary Committee, the Parole Commission may consider this behavior under its rescission guidelines for administrative infractions.

[17] While the Commission is cognizant of the potential for problems with "game-playing," it is believed that this potential is much reduced under the now published procedures of Federal parole decisionmaking which allocates only limited weight to institutional program participation. Furthermore, the atmosphere which gave rise to the initial critiques of consideration of program participation in release decision-making was one where prisoners were given virtually no idea of when they might be paroled until right before their actual release. In addition, no specific criteria were published and available as to how parole decisions were actually being made. This informational vacuum is not present in current Federal parole procedures.

[18] 28 C.F.R. §§2.14 (a)(2)(ii) and 2.28 (a) (1981).

Throughout this evolution, a change in one part of the process has allowed for or necessitated changes in other parts of the system. The development of guidelines based on preincarceration factors allowed the development of the presumptive date procedures. Presumptive date procedures, in turn, necessitated a restructuring of the process used to consider institutional (and other postincarceration) factors in the release decision.

The current Federal parole procedures have developed in a piecemeal fashion. Yet what has emerged is a conceptually simple system which provides for the early setting of a tentative date of release based on factors known at the time of commitment (offense severity and risk assessment) with provision for the modification of that release date based on factors of significance which become known during the period of confinement (e.g., retardation for disciplinary infractions; advancement for exceptionally positive accomplishments). Furthermore, the system is designed to contain sufficient structure to provide consistent decisionmaking for similarly situated offenders, yet to be flexible enough to accommodate significant differences among individual offenders.

APPENDIX A
GUIDELINES FOR DECISIONMAKING

Effective 9/1/81

[Guidelines for Decisionmaking, Customary Total Time to be Served before Release (including jail time)]

OFFENSE CHARACTERISTICS: Severity of Offense Behavior (Examples)	OFFENDER CHARACTERISTICS: Parole Prognosis (Salient Factor Score 1981)			
	Very Good (10-8)	Good (7-6)	Fair (5-4)	Poor (3-0)
LOW Alcohol or Cigarette law violations, including tax evasion (amount of tax evaded less than $2,000)[1] Gambling law violations (no managerial or proprietary interest) Illicit drugs, simple possession Marihuana/hashish, possession with intent to distribute/sale [very small scale (e.g., less than 10 lbs. of marihuana/less than 1 lb. of hashish/less than .01 liter of hash oil)] Property offenses (theft, income tax evasion, or simple possession of stolen property) less than $2,000	ADULT RANGE			
	<=6 months	6-9 months	9-12 months	12-16 months
	(YOUTH RANGE)			
	(<=6) months	(6-9) months	(9-12) months	(12-16) months

APPENDIX A (Continued)

GUIDELINES FOR DECISIONMAKING

Effective 9/1/81

[Guidelines for Decisionmaking, Customary Total Time to be Served before Release (including jail time)]

OFFENSE CHARACTERISTICS: Severity of Offense Behavior (Examples)	OFFENDER CHARACTERISTICS: Parole Prognosis (Salient Factor Score 1981)			
	Very Good (10-8)	Good (7-6)	Fair (5-4)	Poor (3-0)
LOW MODERATE Counterfeit currency or other medium of exchange [(passing/possession) less than $2,000] Drugs (other than specifically categorized), possession with intent to distribute/sale [very small scale (e.g., less than 200 doses)] Marihuana/hashish, possession with intent to distribute/sale [small scale (e.g., 10-49 lbs. of marihuana/1-4.9 lbs. of hashish/.01-.04 liters of hash oil)] Cocaine, possession with intent to distribute/sale [very small scale (e.g., less than 1 gram of 100% purity, or equivalent amount)] Gambling law violations—managerial or proprietary interest in small scale operation [e.g., Sports books (estimated daily gross less than $5,000); Horse books (estimated daily gross less than $1,500); Numbers bankers (estimated daily gross less than $750)] Immigration law violations Property offenses (forgery/fraud/theft from mail/embezzlement/interstate transportation of stolen or forged securities/receiving stolen property with intent to resell) less than $2,000	ADULT RANGE			
	<=8 months	8-12 months	12-16 months	16-22 months
	(YOUTH RANGE)			
	(<=8) months	(8-12) months	(12-16) months	(16-20) months

APPENDIX A (Continued)
GUIDELINES FOR DECISIONMAKING
Effective 9/1/81

[Guidelines for Decisionmaking, Customary Total Time to be Served before Release (including jail time)]

OFFENSE CHARACTERISTICS: Severity of Offense Behavior (Examples)	OFFENDER CHARACTERISTICS: Parole Prognosis (Salient Factor Score 1981)			
	Very Good (10-8)	Good (7-6)	Fair (5-4)	Poor (3-0)
MODERATE Automobile theft (3 cars or less involved and total value does not exceed $19,999)[2] Counterfeit currency or other medium of exchange [(passing/possession) $2,000—$19,999] Drugs (other than specifically categorized, possession with intent to distribute/sale [small scale (e.g., 200-999 doses)] Marihuana/hashish, possession with intent to distribute/sale [medium scale (e.g., 50-199 lbs. of marihuana/5-19.9 lbs. of hashish/.05-.19 liters of hash oil)] Cocaine, possession with intent to distribute/sale [small scale (e.g., 1.0-4.9 grams of 100% purity, or equivalent amount)] Opiates, possession with intent to distribute/sale [evidence of opiate addiction and very small scale (e.g., less than 1.0 grams of 100% pure heroin, or equivalent amount)] Firearms Act, possession/purchase/sale (single weapons: not sawed-off shotgun or machine gun) Gambling law violations—managerial or proprietary interest in medium scale operation [e.g., Sports books (estimated daily gross $5,000-$15,000); Horse books (estimated daily $1,500-$4,000); Numbers bankers (estimated daily gross $750-$2,000)] Property offenses (theft/forgery/fraud/embezzlement/interstate transportation of stolen or forged securities/income tax evasion/receiving stolen property) $2,000-$19,999 Smuggling/transporting of alien(s)	ADULT RANGE			
	10-14 months	14-18 months	18-24 months	24-32 months
	(YOUTH RANGE)			
	(8-12) months	(12-16) months	(16-20) months	(20-26) months

APPENDIX A (Continued)
GUIDELINES FOR DECISIONMAKING
Effective 9/1/81

[Guidelines for Decisionmaking, Customary Total Time to be Served before Release (including jail time)]

OFFENSE CHARACTERISTICS: Severity of Offense Behavior (Examples)	OFFENDER CHARACTERISTICS: Parole Prognosis (Salient Factor Score 1981)			
	Very Good (10-8)	Good (7-6)	Fair (5-4)	Poor (3-0)
HIGH Carnal Knowledge[3] Counterfeit currency or other medium of exchange [(passing/possession) $20,000—$100,000] Counterfeiting [manufacturing (amount of counterfeit currency or other medium of exchange involved not exceeding $100,000)] Drugs (other than specifically listed), possession with intent to distribute/sale [medium scale (e.g., 1,000-19,999 doses)] Marihuana/hashish, possession with intent to distribute/sale [large scale (e.g., 200-1,999 lbs. of marihuana/20-199 lbs. of hashish/.20-1.99 liters of hash oil)] Cocaine, possession with intent to distribute/sale [medium scale (e.g., 5-99 grams of 100% purity, or equivalent amount)] Opiates, possession with intent to distribute/sale [small scale (e.g., less than 5 grams of 100% pure heroin, or equivalent amount) except as described in moderate] Firearms Act, possession/purchase/sale (sawed-off shotgun(s), machine gun(s), or multiple weapons) Gambling law violations—managerial or proprietary interest in large scale operation (e.g., Sports books (estimated daily gross more than $15,000); Horse books (estimated daily gross more than $4,000); Numbers bankers (estimated daily gross more than $2,000)] Involuntary manslaughter (e.g., negligent homicide)	ADULT RANGE 14-20 months	20-26 months	26-36 months	34-44 months
	(YOUTH RANGE) (12-16) months	(16-20) months	(20-26) months	(26-32) months

APPENDIX A (Continued)
GUIDELINES FOR DECISIONMAKING
Effective 9/1/81

[Guidelines for Decisionmaking, Customary Total Time to be Served before Release (including jail time)]

OFFENSE CHARACTERISTICS: Severity of Offense Behavior (Examples)	**OFFENDER CHARACTERISTICS:** Parole Prognosis (Salient Factor Score 1981)			
	Very Good (10-8)	Good (7-6)	Fair (5-4)	Poor (3-0)
HIGH (Continued) Mann Act (no force—commercial purposes) Property offenses (theft/forgery/fraud/embezzlement/interstate transportation of stolen or forged securities/income tax evasion/receiving stolen property) $20,000—$100,000 Threatening communications (e.g., mail/phone)—not for purposes of extortion and no other overt act				
VERY HIGH Robbery (1 or 2 instances) Breaking and entering—armory with intent to steal weapons Breaking and entering/burglary—residence; or breaking and entering of other premises with hostile confrontation with victim Counterfeit currency or other medium of exchange [(passing/possession/manufacturing)/amount more than $100,000 but not exceeding $500,000] Drugs (other than specifically listed), possession with intent to distribute/sale [large scale (e.g., 20,000 or more doses) except as described in Greatest I] Marihuana/hashish, possession with intent to distribute/sale [very large scale (e.g., 2,000 lbs. or more of marihuana/200 lbs. or more of hashish/2 liters or more of hash oil)] Cocaine, possession with intent to distribute/sale [large scale (e.g., 100 grams or more of 100% purity, or equivalent amount) except as described in Greatest I]	ADULT RANGE 24-36 months	36-48 months	48-60 months	60-72 months

APPENDIX A (Continued)
GUIDELINES FOR DECISIONMAKING
Effective 9/1/81

[Guidelines for Decisionmaking, Customary Total Time to be Served before Release (including jail time)]

OFFENSE CHARACTERISTICS: Severity of Offense Behavior (Examples)	OFFENDER CHARACTERISTICS: Parole Prognosis (Salient Factor Score 1981)			
	Very Good (10-8)	Good (7-6)	Fair (5-4)	Poor (3-0)
VERY HIGH (Continued) Opiates, possession with intent to distribute/sale [medium to a very large scale (e.g., 5 grams or more of 100% pure heroin, or equivalent amount) unless the offense is described in Greatest I or Greatest II] Extortion [threat of physical harm (to person or property)] Explosives, possession/transportation Property offenses (theft/forgery/fraud/embezzlement/interstate transportation of stolen or forged securities/income tax evasion/receiving stolen property) more than $100,000 but not exceeding $500,000	(YOUTH RANGE) (20-26) months	(26-32) months	(32-40) months	(40-48) months
GREATEST I Aggravated felony (e.g., robbery: weapon fired or injury of a type normally requiring medical attention) Arson or explosive detonation [involving potential risk of physical injury to person(s) (e.g., premises occupied or likely to be occupied)—no serious injury occurred] Drugs (other than specifically listed), possession with intent to distribute/sale [managerial or proprietary interest and very large scale (e.g., offense involving more than 200,000 doses)] Cocaine, possession with intent to distribute/sale [managerial or proprietary interest and very large scale (e.g., offense involving more than 1 kilogram of 100% purity, or equivalent amount)]	ADULT RANGE 40-52 months	52-64 months	64-78 months	78-100 months

APPENDIX A (Continued)

GUIDELINES FOR DECISIONMAKING

Effective 9/1/81

[Guidelines for Decisionmaking, Customary Total Time to be Served before Release (including jail time)]

OFFENSE CHARACTERISTICS: Severity of Offense Behavior (Examples)	**OFFENDER CHARACTERISTICS:** Parole Prognosis (Salient Factor Score 1981)			
	Very Good (10-8)	Good (7-6)	Fair (5-4)	Poor (3-0)
GREATEST (Continued) Opiates, possession with intent to distribute/sale [managerial or proprietary interest and large scale (e.g., offense involving more than 50 grams but not more than 1 kilogram (1000 grams) of 100% pure heroin or equivalent amount)] Kidnaping [other than listed in Greatest II; limited duration; and no harm to victim (e.g., kidnaping the driver of a truck during a hijacking, driving to a secluded location, and releasing victim unharmed)] Robbery (3 or 4 instances) Sex act—force (e.g., forcible rape or Mann Act (force)]	(YOUTH RANGE)			
	(30-40) months	(40-50) months	(50-60) months	(60-76) months
GREATEST II Murder Voluntary manslaughter Aggravated felony—serious injury (e.g., robbery: injury involving substantial risk of death or protracted disability, or disfigurement) or extreme cruelty/brutality toward victim Aircraft hijacking Espionage Kidnaping (for ransom or terrorism; as hostage; or harm to victim) Treason Opiates, possession with intent to distribute/sale [managerial or proprietary interest and very large scale (e.g., offense involving more than 1 kilogram (1000 grams) of 100% pure heroin or equivalent amount)]	ADULT RANGE			
	52+ months	64+ months	78+ months	100+ months
	(YOUTH RANGE)			
	(40+) months	(50+) months	(60+) months	(76+) months
	Specific upper limits are not provided due to the limited number of cases and the extreme variation possible within category.			

GENERAL NOTES

A. These guidelines are predicated upon good institutional conduct and program performance.

B. If an offense behavior is not listed above, the proper category may be obtained by comparing the severity of the offense behavior with those of similar offense behaviors listed.

C. If an offense behavior can be classified under more than one category, the most serious applicable category is to be used.

D. If an offense behavior involved multiple separate offenses, the severity level may be increased.

E. In cases where multiple sentences have been imposed (whether consecutive or concurrent, and whether aggregated or not) an offense severity rating shall be established to reflect the overall severity of the underlying criminal behavior. This rating shall apply whether or not any of the component sentences has expired.

OTHER OFFENSES

(1) Conspiracy shall be rated for guideline purposes according to the underlying offense behavior if such behavior was consummated. If the offense is unconsummated, the conspiracy will be rated one step below the consummated offense. A consummated offense includes one in which the offender is prevented from completion only because of the intervention of law enforcement officials.

(2) Breaking and entering not specifically listed above shall normally be treated as a low moderate severity offense; however, if the monetary loss amounts to $2,000 or more, the applicable property offense category shall be used. Similarly, if the monetary loss involved in a burglary or breaking and entering (that is listed) constitutes a more serious property offense than the burglary or breaking and entering itself, the appropriate property offense category shall be used.

(3) Manufacturing of synthetic drugs for sale shall be rated as not less than very high severity.

(4) Bribery of a public official (offering/accepting/soliciting) or extortion (use of official position) shall be rated as no less than moderate severity for those instances limited in scope (e.g., single instance and amount of bribe/demand less than $20,000 in value); and shall be rated as no less than high severity in any other case. In the case of the bribe/demand with a value in excess of $100,000, the applicable property offense category shall apply. The extent to which the criminal conduct involves a breach of the public trust, therefore causing injury beyond that describable by monetary gain, shall be considered as an aggravating factor.

(5) Obstructing justice (no physical threat)/perjury (in a criminal proceeding) shall be rated in the category of the underlying offense concerned, except that obstructing justice (threat of physical harm) shall be rated as no less than very high severity.

(6) Misprision of felony shall be rated as moderate severity if the underlying offense is high severity or above. If the underlying offense is moderate severity or less, it shall be rated as low severity.

(7) Harboring a fugitive shall be rated as moderate severity if the underlying offense is high severity or above. If the underlying offense is moderate severity or less, it shall be rated as low severity.

REFERENCED NOTES

1. Alcohol or cigarette tax law violations involving $2,000 or more of evaded tax shall be treated as a property offense (tax evasion).
2. Except that automobile theft (not kept more than 72 hours; no substantial damage; and not theft for resale) shall be rated as low severity. Automobile theft involving a value of more than $19,999 shall be treated as a property offense. In addition, automobile theft involving more than 3 cars, regardless of value, shall be treated as no less than high severity.
3. Except that carnal knowledge in which the relationship is clearly voluntary, the victim is not less than 14 years old, and the age difference between offender and victim is less than four years shall be rated as a low severity offense.

DEFINITIONS

a. 'Other media or exchange' include, but are not limited to, postage stamps, money orders, or coupons redeemable for cash or goods.

b. 'Drugs, other than specifically categorized' include, but are not limited to, the following, listed in ascending order of their perceived severity: amphetamines, hallucinogens, barbiturates, methamphetamines, phencyclidine (PCP). This ordering shall be used as a guide to decision placement within the applicable guideline range (i.e., other [illegible]ects being equal, amphetamines will normally be rated towards the bottom of the guideline range and PCP will normally be rated towards the top).

c. 'Equivalent amounts' for the cocaine and opiate categories may be computed as follows: 1 gm. of 100% pure is equivalent to 2 gms. of 50% pure and 10 gms. of 10% pure, etc.

d. The 'opiate' category includes heroin, morphine, opiate derivatives, and synthetic opiate substitutes.

e. Managerial/Proprietary Interest (Large Scale Drug Offenses):

Managerial/proprietary interest in large scale drug cases is defined to include offenders who sell or negotiate to sell such drugs; or who have decision-making authority concerning the distribution/sale, importation, cutting, or manufacture of such drugs; or who finance such operations. Cases to be excluded are peripherally involved offenders without any decision-making authority (e.g., a person hired merely as a courier).

Salient Factor Score (SFS 81)

Register Number____________________________Name____________________________

Item A: PRIOR CONVICTIONS/ADJUDICATIONS (ADULT OR JUVENILE) .... ☐

None .... = 3
One .... = 2
Two or three .... = 1
Four or more .... = 0

Item B: PRIOR COMMITMENT(S) OF MORE THAN THIRTY DAYS (ADULT OR JUVENILE) ... ☐

None .... = 2
One or two .... = 1
Three or more .... = 0

Item C: AGE AT CURRENT OFFENSE/PRIOR COMMITMENTS .... ☐

Age at commencement of the current offense:
26 years of age or more .... = 2 ***
20-25 years of age .... = 1 ***
19 years of age or less .... = 0

***EXCEPTIONS: If five or more prior commitments of more than thirty days (adult or juvenile), place an "x" here __________ and score this item .... = 0.

Item D: RECENT COMMITMENT FREE PERIOD (THREE YEARS) .... ☐

No prior commitment of more than thirty days (adult or juvenile) or released to the community from last such commitment at least three years prior to the commencement of the current offense .... = 1
Otherwise .... = 0

Item E: PROBATION/PAROLE/CONFINEMENT/ESCAPE STATUS VIOLATOR THIS TIME . ☐

Neither on probation, parole, confinement, or escape status at the time of the current offense; nor committed as a probation, parole, confinement, or escape status violator this time .... = 1

Otherwise.................................... = 0

Item F: HEROIN/OPIATE DEPENDENCE .... ☐

No history of heroin/opiate dependence...... = 1

Otherwise.................................... = 0

TOTAL SCORE .... ☐

NOTE: For purposes of the Salient Factor Score, an instance of criminal behavior resulting in a judicial determination of guilt or an admission of guilt before a judicial body shall be treated as a conviction, even if a conviction is not formally entered.

Sec. 2.21 *REPAROLE CONSIDERATION GUIDELINES.*

(a) If revocation is based upon administrative violation(s) only [i.e., violations other than new criminal conduct] the following guidelines shall apply.

Positive Supervision History: (Examples)	*Customary Time to be Served Before Rerelease*
a. No serious alcohol/drug abuse and no possession of weapon(s) [and] b. At least 8 months from date of release to date of violation behavior [and] c. Present violation represents first instance of failure to comply with parole regulations of this term.	< 6 Months
Negative Supervision History: (Examples)	
a. Serious alcohol/drug abuse (e.g., readdiction to opiates) or possession of weapon(s) [or] b. Less than 8 months from date of release to date of violation behavior [or] c. Repetitious or persistent violations.	6 - 9 Months

(b)(1)If a finding is made that the prisoner has engaged in behavior constituting new criminal conduct, the appropriate severity rating for the new criminal behavior shall be calculated. New criminal conduct may be determined either by a new federal, state, or local conviction or by an independent finding by the Commission at revocation hearing. As violations may be for state or local offenses, the appropriate severity level may be determined by analogy with listed federal offense behaviors.

(2) The guidelines for parole consideration specified at 28 C.F.R. Sec. 2.20 shall then be applied. The original guideline type (e.g., adult, youth) shall determine the applicable guidelines for the parole violator term, except that a violator committed with a new federal sentence of more than one year shall be treated under the guideline type applicable to the new sentence.

(3) Time served on a new state or federal sentence shall be counted as time in custody for reparole guideline purposes. This does not affect the computation of the expiration date of the violator term as provided by Sections 2.47(b) and 2.52(c) and (d).

(c) The above are merely guidelines. A decision outside these guidelines (either above or below) may be made when circumstances warrant. For example, violations of an assaultive nature or by a person with a history of repeated parole failure may warrant a decision above the guidelines. Minor offense(s) (e.g., minor traffic offenses, vagrancy, public intoxication) shall normally be treated under administrative violations.

APPENDIX B

Sec. 2.36 *RECISSION GUIDELINES.*

(a) The following guidelines shall apply to the sanctioning of disciplinary infractions or new criminal behavior committed by a prisoner subsequent to the commencement of his sentence and prior to his release on parole. These guidelines specify the customary time to be served for such behavior which shall be added to the time required by the original presumptive or effective date. Credit shall be given towards service of these guidelines for any time spent in custody on a new offense that has not been credited towards service of the original presumptive or effective date. If a new concurrent or consecutive sentence is imposed for such behavior, these guidelines shall also be applied at the initial hearing on such terms.

(1) ADMINISTRATIVE RULE INFRACTION(S) (including drug/alcohol abuse) normally can be adequately sanctioned by postponing a presumptive or effective date by 0-60 days per instance of misconduct. Escape or other new criminal conduct shall be considered in accordance with the guidelines set forth below.

(2) ESCAPE/NEW CRIMINAL BEHAVIOR IN A PRISON FACILITY (including a Community Treatment Center). The time required pursuant to the guidelines set forth in (i) and (ii) below shall be added to the time required by the original presumptive or effective date.

(i) ***Escape or Attempted Escape Without Force or Threat***

(A)	**Non-Secure Facility or Program (absent less than 7 days)**	**3-6 months**
(B)	**Secure Facility (no force or threat used); or Non-Secure Facility or Program (absent 7 days or more)**	**6-12 months**

Notes: (1) If other criminal conduct is committed during the escape or during time spent in escape status, then time to be served for the escape/attempted escape shall be added to that assessed for the other new criminal conduct.

(2) Time in escape status shall not be credited.

(ii) Other New Criminal Behavior in a Prison Facility

Severity Rating of the New Criminal Behavior (from §2.20)	*Adult Cases*	*Youth/NARA Cases*
Low	<=6 months	<=6 months
Low Moderate	<=8 months	<=8 months
Moderate	10-14 months	8-12 months
High	14-20 months	12-16 months
Very High	24-36 months	20-26 months
Greatest I	40-52 months	30-40 months
Greatest II	52 + months	40 + months

(3) NEW CRIMINAL BEHAVIOR IN THE COMMUNITY (e.g., while on pass, furlough, work release, or on escape). In such cases, the guidelines applicable to reparole violators under § 2.21 shall be applied, using the new offense severity (from § 2.20) and recalculated salient factor score (such score shall be recalculated as if the prisoner had been on parole at the time of the new criminal behavior). The time required pursuant to these guidelines shall be added to the time required by the original presumptive or effective date.

(b) The above are merely guidelines. Where the circumstances warrant, a decision outside the guidelines (above or below) may be rendered provided specific reasons are given. For example, a substantial period of good conduct since the last disciplinary infraction in cases not involving new criminal conduct may be treated as a mitigating circumstance.

APPENDIX C

Sec 2.60 *SUPERIOR PROGRAM ACHIEVEMENT.*

(a) Prisoners who demonstrate superior program achievement (in addition to a good conduct record) may be considered for a limited advancement of the presumptive date previously set according to the schedule below. Such reduction will normally be considered at an interim hearing or prerelease review. It is to be stressed that a clear conduct record is expected; this reduction applies only to cases with documented sustained superior program achievement over a period of 9 months or more in custody.

(b) Superior program achievement may be demonstrated in areas such as educational, vocational, industry, or counselling programs, and is to be considered in light of the specifics of each case.

(c) Upon a finding of superior program achievement, a previously set presumptive date may be advanced. The normal maximum advancement permissible for superior program achievement during the prisoner's entire term shall be as set forth in the following schedule. It is the intent of the Commission that the maximum be exceeded only in the most clearly exceptional cases.

(d) Partial advancements may be given [for example, a case with superior program achievement during only part of the term or a case with both superior program achievement and minor disciplinary infraction(s)]. Advancements may be given at different times; however, the limits set forth in the following schedule shall apply to the total combined advancement.

(e) Schedule of Permissible Reductions for Superior Program Achievement.

Total months required by original presumptive date:	Permissible reduction
14 months or less	Not applicable.
15 to 22 months	Up to 1 month.
23 to 30 months	Up to 2 months.
31 to 36 months	Up to 3 months.
37 to 42 months	Up to 4 months.
43 to 48 months	Up to 5 months.
49 to 54 months	Up to 6 months.
55 to 60 months	Up to 7 months.
61 to 66 months	Up to 8 months.
67 to 72 months	Up to 9 months.
73 to 78 months	Up to 10 months.
79 to 84 months	Up to 11 months.
85 to 90 months	Up to 12 months.
91 plus months	Up to 13 months.

Plus up to 1 additional month for each 6 months or fraction thereof, by which the original date exceeds 96 months.

Court—Prosecutor—Probation Officer: When Is Discretion Disparity in the Criminal Justice System?

BY ROBERT L. THOMAS

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THE INTENT of this article is to examine those less obvious factors which affect the probation officer's decisionmaking process leading to a recommendation to assist the court in sentencing a criminal defendant. Current research does not directly speak to the issue. There is abundant literature on the discretion—disparity question, but as it relates to prosecutors, judges, parole commissions, legislators, and, to a lesser degree, an ambivalent public, overcrowded correctional system, confused media and a disorganized criminal justice system (Harris, 1975).

All the above affect the probation officer in the performance of statutory responsibilities. The officer is part of the system and subject to the same pressures, myths and misconceptions surrounding the sentencing disparity controversy.

Absence of Unified Correctional Philosophy

There is not yet in America any clear, consistent, rational policy regarding whether to pursue a correctional philosophy of rehabilitation or one of retribution. Criminologists, legislators and correction officials operate at cross purposes; some perceive criminals to be accountable for their misdeeds and emphasize retribution; others see offenders in need of rehabilitation or therapy since their behavior is the product of external forces and not the result of free and responsible choice. Some scholars hold a "nothing works" doctrine, arguing neither rehabilitation nor retribution lowers recidivism rates. Proponents of this third view have pushed for a correctional philosophy of humane incapacitation. Incapacitation without therapy comes down to a variant of punishment; hence, the "nothing works" doctrine results pragmatically in a punitive approach. This means one is left with a choice between some form of retributive correctional philosophy and some form of rehabilitative theory.

Not only is there wide disagreement regarding what should be done in corrections, there is no consensus as to what is currently being practiced.

Schrader-Frechette (1978) argues that rather than attempt the impossible and try to develop a correctional policy which admits the importance of both retribution and therapy—because the offender is both responsible and, in some sense, not responsible—there is another course of action open. This is to recognize that after-the-fact solutions to crime do not work but, prevention might. Prevention is much more difficult because it challenges a societal system of values and not just the adequacy of human skills or financial resources. As Friday (1976) noted, crime prevention is successful only to the extent every individual is essentially a community-oriented person. It is simplistic but, nevertheless, correct to point out that correctional institutions cannot be expected to compensate for the many ways in which we all fail to be, and expect others to be, socially responsible.

One reason we have failed to become (and to teach our children to become) socially responsible is that we in America have valued our constitutional freedoms highly. American liberal traditions have created, to an extreme degree, a "cult of personal liberation." Consequently, neither the offender nor the nonoffender has developed a true social conscience. Realistically, the persistence and the acceleration of the crime rate is testimony to more than the absence of social responsibility; rather, in a positive but often extreme sense, our current correctional problems, of which disparity is but one, bear testimony to the success of a far-reaching system of civil liberties. Without such liberties, crime prevention would be easy. Correctional officials have the difficult task of maintaining one while achieving the other.

Disparity: A Traditional Definition

The former emphasis on treatment or rehabilitation is being replaced by an emphasis on certain punishment; the indeterminate sentence is being replaced by determinate sentences designed to achieve equal treatment and certainty of punishment. Dickey (1979) points out that regardless of which sentencing option is used, an effective decision requires knowledge of facts, whether those facts relate to characteristics of the defendant, which might indicate responsiveness to treatment, or to the facts of the offense, upon which a judgment as to suitable punishment should be based.

At the very center of the concept of rehabilitation has been individualized sentencing—the belief that a sentence should fit the offender and the circumstances of the case rather than being determined solely by the nature of the offense. This practice has been implemented by providing discretion at various points in the criminal justice system. Discretion is given to judges in choosing the type and length of sentence, and to parole agencies who can reduce the length of time served based on assessment of inmate institutional progress.

To individualize sentences means that different people who commit the same crime may receive different sentences. To reformers this is traditionally referred to as "sentencing disparity." This so-called disparity may be completely appropriate since crimes can and do vary widely in their circumstances. No crime can be viewed realistically without a consideration of its circumstances and consequences.

There are currently a number of legislative and administrative proposals designed to limit or eliminate discretion previously given judges and others. Unfortunately, many of these proposals do not provide any alternative method of tailoring sentences to circumstances. To the extent they limit discretion, they limit the possibility of individualizing sentences. It can be dramatically unfair to give the same or similar sentences to two persons convicted of identical crimes when the circumstances of those crimes were extremely different.

The Court: Scapegoat or Villain?

The protection of society is the ultimate objective of all criminal laws and it should be so of criminal sentence. According to Boldt (1963), this objective may be sought through punishment of the offender, incapacitation by confinement, rehabilitation through treatment, or by deterring others from committing similar offenses.

Evans and Gilbert (1975) describe the criminal court's two basic functions as establishing innocence or guilt and imposing judgment. In the latter area a void of guiding law and expertise exists. Sentencing options available to judges are too often neither fully understood nor do they address the specific needs of individual offenders. Criminal courts have not been imaginative in the area of sentencing alternatives, and new judges are well trained in the social sciences. Most courts labor under the burden of inadequate time and staff necessary to satisfy the important task of sentencing. As expected, critics attack sentencing variations and statistical studies reflect a wide range of dispositions for "identical offenses."

Morris & Hawkins (1970) note that inherent within the goal of achieving a higher level of quality in judicial sentencing is not only the desire to reduce unwarranted "disparity" but, the need to work toward a more rational approach to the entire correctional process. This involves a diligent search for more realistic alternatives to the traditional dispositions of criminal cases and a clearer understanding of who should not go to prison.

Evans and Gilbert (1977) believe judicial discretion is essential. The court is the institution to which society brings its ills for treatment and resolution. To the extent the court is limited in its discretion, it is prevented from achieving the goal of justice. It is simply not possible to legislate specific solutions for all peculiarities and outcroppings of mankind's social problems.

The potential for abused discretion is nurtured by legislators, law enforcement, prosecutors, releasing authorities, the public, scholars, and courts. Should the court's discretion be singled out for substantial contraction?

Constraint upon the courts will merely transfer the responsibility to other nonjudicial components of government. Plea bargaining has already placed substantial limitations upon judicial discretion; as a result, present imperfections of our justice process frequently dictate a disposition beyond the court's control.

Prosecutors: Plea Bargaining Justice

Plea bargaining pervades the administration of criminal justice. Plea bargaining is supported by those directly involved in the middle of the justice process: judges, prosecutors, and defense counsel. Agencies at the beginning and end of the justice continuum, police and probation, are the most critical. Job tasks explain the difference in attitude. According to Parnas (1980), judicial, prosecutorial, and defense support for plea bargaining can arguably be construed as partially colored by personal considerations. The police and probation view might be looked upon as more objective although, less knowledgeable because of their limited involvement.

Prosecutors have, in practice, a greater influence on sentencing than the other agencies; the knee-jerk reaction for sentencing reform has largely ignored this extensive prosecutorial power. Alschuler (1977) holds that fixed and presumptive sentencing schemes are unlikely to achieve their objectives if they leave the prosecutor's power to formulate charges and bargain for guilty pleas unchecked. Indeed, this method of reform is likely to produce its antithesis—to yield a system every bit as flawed as the current sentencing regime and one in which discretion is concentrated in an inappropriate agency and in which the benefits of this discretion are made available only to defendants who sacrifice their constitutional rights.

As judicial discretion, the discretion of the prosecutor lends itself to inequalities and disparities based on disagreements concerning issues of sentencing policy; it permits the occasional dominance of illegitimate considerations such as race and personal or political influence; it may lead to a general perception of arbitrariness and uncertainty, contribute to a sense of unfairness, and even undercut the deterrent force of criminal law. The exercise of prosecutorial discretion is more frequently made contingent upon a waiver of constitutional rights; it is generally exercised less openly, it is more likely to be influenced by considerations of friendship and by reciprocal favors of a dubious character; it is commonly exercised for the purpose of obtaining convictions in cases in which guilt could not be proven at trial; it is usually exercised by people of less experience and less objectivity than judges; it is commonly exercised on the basis of less information than judges possess; and, its exercise may depend less upon consideration of desert, deterrence, and reformation than upon a desire to avoid the hard work of preparing and trying cases. The discretion of American prosecutors, in short, has the same faults as the discretion of American judges and more.

Probation Officer: A Leveling Influence?

The probation system did not, according to Imlay and Reid (1975), autogenously emerge like mushrooms after a rain. It originated as part of antithetical reaction to older theories of retributive punishment, and in response to the newer premise that a person's actions are socially determined rather than the result of "free will." A corollary of this assumption is that the logical social response to crime and punishment should be to attempt to reinstate the errant individual as a functioning unit of society.

The notion of rehabilitation finds countervailing influences in the law which, in its primary emphasis on maximum prison terms in defining each enumerated crime, assumes that punishment should serve as a social dissuader rather than as a method of individual rehabilitation. The law is founded on morality; its remedies have been traditionally looked upon by its high priests not as tools of social engineering but, as retribution for moral derelictions. The law abhors social relativism. It deals with the clear cut: guilty-not guilty, sane-insane. The notion that, in the process of sentencing, two criminals committing the same crime should be dealt with differently because of existing circumstances, runs afoul of the grain of traditional legal thinking.

Based on the retributive or exemplary theories of punishment, all sentences should be equal; based on the theory of rehabilitation all sentences should be individually tailored to insure that those who are most likely to reassimilate receive lighter sentences or probation. The hue and cry today is for uniformity in sentencing sanctions. Uniformity in sentencing is antithetical to the humanistic notion of individualized rehabilitation.

The Supreme Court in 1949 (*Williams* v. *People of New York*) announced: "Retribution is no longer the dominant objective of the criminal law. Reformation and rehabilitation of offenders have become the important goals of criminal jurisprudence."

Notwithstanding this pronouncement, a critical public cannot readily comprehend a system of justice which treats one offender differently than another. The public demand is for equal punishment for any given offense; retributive punishment is still a dominant public objective.

Our present law-making procedure insures that sentencing provisions will emphasize the expeditious rather than the rehabilitative goals of sentencing. For this reason, probation officers must have assuasive roles in the sentencing process to offset the vocal demands that punishment should fit the crime rather than the individual.

Czajkoski (1973) argues that as judges shed more and more of their judicial functions, the role of the probation officer undergoes sympathetic change. Under circumstances where judicial and administrative powers become increasingly blurred, the probation officer seems more and more in a quasi-judicial role. Questions are raised to the propriety of the probation officer achieving judicial effect without judicial process.

Abdication of judicial sentencing responsibility to the plea bargaining system leaves the probation officer in an even more peculiar position than it leaves the judge.

Theoretically, the probation officer is supposed to make sentencing recommendations based on a professional estimate of the defendant's rehabilitation potential. Whether or not a defendant is sentenced to probation probably depends more now on success in plea bargaining than on any promise of reformation. How does the probation officer fit into a scheme of extensive plea bargaining?

Blumberg (1967) says the probation officer serves to "cool the mark" in the production-oriented and confidence game-like system of expeditiously moving defendants through the court by means of plea bargaining. Like the judge's role, Blumberg sees the probation officer's role in sentencing diminishing. It has become the judicial role to simply certify the plea bargaining process, thus the probation officer's role is quasi-judicial in that he/she does the same. It is admittedly a peculiar argument, as Imlay (1975) notes, but where the probation officer does a perfunctory presentence report and aims the recommendation toward the predetermined plea bargained sentence, the officer is indeed playing out a de facto judicial role.

It has long been argued the probation officer's role in sentencing is a quasi-judicial one, especially where the judge more or less automatically imposes the officer-recommended sentence. Empirical studies have shown a very high correlation between officer recommendation and court disposition. Carter and Wilkins (1967) pointed out that judges follow probation officer recommendations in better than 95 percent of the cases. Among the factors which might explain the high level of agreement it was postulated that officers make recommendations in anticipation of judicial preference. Today it is more likely the prosecutor has communicated the plea bargaining agreement to the officer and the officer responds with an appropriate offering. Insofar as it firmly determines sentence, the plea bargaining process clearly undermines the probation officer's professional role. It is now more appropriate for the officer to counsel the prosecutor on rehabilitation potential than the judge. The prosecutor occasionally uses the officer's professional estimate in the plea bargaining. Probation officers now conduct "prepleading" investigations which are used by both judge and prosecutor to decide plea matters.

The probation officer's role is multi-faceted. Many of the facets are not easily recognized, particularly in the areas of setting the conditions of probation, initiating violations procedures or enforcing the conditions of community release. It is difficult to say whether the officer's quasi-judicial role is increasing. It is still very closely tied to the judge but, the judge seems to be giving up more of the judicial role. If the probation officer ties in more with the prosecutor, the quasi-judicial function may paradoxically increase because of judicial aggrandizement of the prosecutor's office through plea bargaining and pretrial diversion.

Regardless of role perception, probation officers make decisions affecting defendants, communities, and the total justice system. The majority of these decisions become apparent in the presentence investigation report. Reports are also used as a guide for supervision and a basis for classification and treatment by institutions. Parole authorities use the report when considering individual release eligibility. Obviously, the importance of the data collected relates to the use it is put. While some of the data collected and recorded may not have significant or immediate use in the sentencing, the probation officer is in the best position to develop information which may be of significance in the total correctional process.

Within the probation officer's role the potential for misuse or abuse of statutory discretion is apparent. But, is the reported disparity critical or simply judgmental use of discretion similar to that afforded police in the decision to arrest; the prosecutor to under or over charge; the court with its sentencing options; or, the parole authorities in exercising release guidelines?

The majority of articles discussing disparity are in reality an attack on lack of uniformity in sentencing. Researchers examine more the mechanical outcome rather than what caused the discovered difference in specific cases. Proper use of discretion is a legitimate correctional tool. The misuse or abuse by agency or individual is more the fault of that agency or individual than in the concept. Is lack of uniformity evidence of disparity or only that which must be expected in a system offering such a wide range of alternatives and outcomes while attempting to resolve, prevent, or contain human weakness as manifest in behavior termed "criminal" or "illegal"?

For the probation officer, it is at the investigation level and formulation of a sentencing recommendation that the problem of "disparity" is greatest. Bernard (1976) noted that sentencing disparity is based on entirely inappropriate criteria such as race of the defendant or personality of the sentencing judge. "Disparity is unjustified if the rationale for these differences cannot be traced to relevant distinctions of character or behavior which bear a certain known relationship to the aims of punishment." It is this unfair and inappropriate disparity which has compromised the effectiveness of the entire criminal justice system and not discretion.

The real problem goes beyond Bernard's description of disparity to include individual affective learning and resultant behavior. The literature is inconclusive, or at best, confused in defining statements of affective objectives. Bloom (1956) uses the term "primative." Learning experiences generally determine the direction of growth in the affective domain and components form a continuum ranging from simple awareness of a phenomenon to complete internalization, becoming a part of the individual (bias or prejudice) and forming value judgments which determine ultimate conduct toward others whether conscious or unconscious.

Thus, "disparity" is deciding to arrest, prosecute, sentence, release or revoke an individual because of race, color, creed, political beliefs or a multitude of other internalized factors and not because of a crime's seriousness or potential for individual rehabilitation. All else is a matter of discretionary judgment, the resolve of which requires an entirely different approach, be it legislative or administrative in scope.

Probation officers as a work group universally pride themselves on objective case investigation and recommendation. However, certain offenders, offender attitudes and offenses lend themselves to unacceptable and unprofessional breaks in decisionmaking objectivity. It is against these tendencies a probation officer must guard. Examples can be advanced to support the contention that probation officers, like all other actors in the justice system contribute to disparity.

Carter (1966), in his article "It Is Respectfully Recommended," started out examining the relationship between the probation officer's recommendation and the court's disposition. He offered that one of the more important areas upon which attention should be focused was the internal factors—the officer's experience, age, ethnic background, culture, academic training, prejudices, and personality—all which contribute to a court recommendation.

What specific biases or prejudices are displayed by probation officers and directed toward the alcoholic, addict, homosexual, or certain racial or ethnic group? Are reports "slanted" to a specific judge? Why is there such a high relationship between recommendations and dispositions? Is it because there is a large number of individual cases who are obviously probation or prison cases; a matter of complete trust and faith by the court in its probation staff; the product of "knowing" the court and its views on certain matters? How much of the information collected during the course of the presentence investigation is genuinely important in helping the officer formulate a recommendation? At what point in the fact-gathering process does the officer decide on the recommendation? If a decision is made early in the collection process, does the officer then seek out other factors which will support the conclusion? Does this, then, lead to the preparation of a disparate biography?

The current literature does not delve into these questions with any degree of authority or resolve. There is realization of good and evil within any group of practitioners, be they doctors, lawyers, merchants, or probation officers. The path to objectivity is paved with good intentions, but more than one well meaning probation officer has taken an occasional detour to disparity. The question remains: How does one empirically examine disparity as defined here? What methodological approach is best? How valid or reliable will the findings be beyond a specific sample at a given time and place? No one has the answer. Maybe there is not one—only generalizations, inferences, supposition, conjecture, and suspicion.

The best source of information to answer the questions may be the probation officer. Bartoo (1963), informally investigated nine identified factors that directly or indirectly affect the officer's recommendation. He examined areas involving the officer's tendency to avoid problems for personal convenience; to what extent community interest or public opinion influenced the recommendation; how do the officer's moral standards, code of ethics, and attitudes affect decisionmaking; and, what influence is exerted by the nature and magnitude of the offense or attitude of the offender. The outcome of this limited investigation found that disparity resulting from internalized attitudes and behavior did, in fact, color judgments; however, it was also discovered that generally the probation officer is aware of the problem and conscientiously works to evaluate each offender objectively.

To this writer's knowledge, little has been done to prove or disprove Bartoo's conclusions. There has been much said about the universal problem of abused discretion; but, for probation officers it is a wide open avenue of investigation affecting a very large and important segment of the justice system.

Conclusion

There is in all of this a substantial need for research to expose the problem and training to correct deficiencies. As the trend continues for the probation officer's earlier involvement in the criminal prosecution process through pretrial diversion and bail release investigation, it becomes important to insure that officer objectivity is paramount and that decisionmaking, while acknowledging statutory discretion, is not perverted or faulty due to disparity. Disparity is real. Attempts to identify, correct and eliminate it are, at this point, within this role, not on the horizon.

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Rekindling the Flame

The Use of Inservice Training as Burnout Prevention*

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STUDENTS of crisis theory and counselors who have served in crisis intervention agencies can recognize the inherent wisdom in the Chinese ideograph which symbolizes crisis. The representation suggests both danger and opportunity. The crisis presently affecting the social service professions and perhaps society as a whole is appropriately expressed by the term "burnout." The danger associated with the syndrome of burnout exists on more than one dimension. On an individual level the malaise can influence one's physical and emotional well-being. The effects of job stress on individual health have been well publicized and stress management workshops have been a significant fact of the eighties. On a mass level the phenomenon has the potential to promote the growth of disenchantment. As a mass reaction, disenchantment, and the subsequent loss of commitment of people whose dedication and singleness of purpose are essential, can result in setbacks to the growth and evolution of the applied social sciences.

Viewed as an opportunity, the burnout crisis can be received by individuals and organizations as a challenge to grow. Through the confrontation and handling of burnout and its myriad ramifications, stronger and more conscious social service delivery systems will emerge. That this challenge has been accepted is in evidence by way of the sharing and passing along of efforts aimed at its analysis and ultimate eradication. The premise I am offering in this essay is based on the assumption that in organizations where the needs of staff members are attended to, staff members attend to the mission of the organization. In other words, the level of quality performance is directly related to the level of need fulfillment felt by staff. The obvious outcome of this connection, relative to the social service professions, is better service and less burnout.

When I refer to the "needs"of the staff members, I am not referring to their salaries and fringe benefits. For my purpose, "needs" can be understood in terms of what Abraham H. Maslow, in his theory of human motivation, calls esteem needs. To deepen the understanding of my premise, I assert that through the medium of a comprehensive inservice training program, an organization can do a great deal to fulfill the esteem needs of its staff and, thereby, prevent or reduce the effects of burnout.

In the expression of his theory of human motivation, Maslow classifies human needs in a hierarchy from primitive to advanced needs. The more fundamental need must first be fulfilled before seeking the fulfillment of the next level of need. Esteem needs, fourth in order following basic needs, safety needs and love needs, all revolve around people's desire to have a firmly based, good evaluation of themselves. Such factors as strength, recognition, achievement, etc., are representative of this category. Using, in a general sense, the concept of esteem needs as a framework and overlaying some variable conditions present throughout the contemporary social service milieu, the pro-training argument becomes more complete.

Attention, Recognition, and Appreciation

Workers in the human services often express that when recognition comes it usually comes in negative form. While this is not the whole picture, organizations do, at times, appear to be overly mistake cautious, thus fostering an atmosphere in which self-protection takes precedence over risk-taking as a professional behavior. It is, however, through risk-taking, whether in the form of following a hunch, applying a solution from another discipline, or any other form of such action, that true progress is realized. The relationship between growth and risk exists on all levels. Workers motivated and encouraged to test new approaches to old problems remain professionally vital long after their burned-out counterparts have resigned themselves to operating "strictly by the book."

When examining the various tasks associated with casework, law enforcement, teaching, counseling, or any of the human service professions, it has always seemed obvious to me that there are a great number of activities performed routinely that deserve attention, recognition and sincere appreciation. For example, most workers in the fields focused upon in this article experience situations in the course of their work which require crisis intervention skills, knowledge of a legal or systemic nature and the ability to manage large numbers of people and/or activities. These nonspecific demands and the many unmentioned additional examples are concurrent with those requirements specific to the position or discipline. Simply stated, the daily beat of the social service worker demands the handling of situations which, by their very nature, demand praiseworthy performance. The magnitude of such work and subsequent employee recognition becomes diluted by their routine nature.

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*An address to the First National Conference on Burnout, November 2-4, 1981, Philadelphia, Pa.

As a means of addressing the needs for attention, recognition and appreciation, the vehicle of training has much to offer. Without question, the mere availability of inservice training programs recognizes and pays attention to the staff professional needs. It is a statement of concern. In terms of content, most management training programs emphasize the value and importance of good employee relations. Human skills, often overlooked in the day-to-day intensity of the workplace, are refreshed and reemphasized. Managers and supervisors are encouraged to communicate more effectively with their subordinates in order to facilitate a more harmonious professional relationship. Indeed, many theories of management specifically relate the needs hierarchy developed by Maslow to management/employee relations. The principles of the "Management by Objectives" technique require a flow of communication between supervisor and subordinate as the very basis of that process. In short, the recognition of worker needs is common to the content of most management training in the social services.

While the availability of inservice training alone is a form of attention to staff professional needs, the contents of the trainings sharpen the effect. Programs such as caseload management, interview and assessment skills, and investigation skills serve to highlight those areas of routine, but important, activity. The continued development and refinement of such skills enhance the worker's sense of competence and professionalism necessary to fortify the internal strength required to win the battle of burnout.

Regardless of content, the training process tends from the outset to promote the fulfillment of those needs in focus. During the early phases of a training experience staff come together in an atmosphere of reunion and professional sociability. This informal process serves to bring together workers who often do not share frequent interaction due to geographic or other variables relative to their functions. The informal environment serves to create an openness which greatly augments the overall training experience and indirectly provides a feeling of attention and recognition to most participants.

Identity and Support

One of the factors fueling the burnout syndrome is professional role ambiguity. This predicament may occur when the individual recognizes that many of the work variables encompassed by his or her position seem different in reality from their theoretical models or constitute tasks he or she is ill at ease in performing. All "helping professions" have their darker side. Public assistance caseworkers in some instances have to terminate financial aid to a recipient; child welfare workers must determine the appropriateness of removing children from their parents' home; probation and parole agents must, on occasion, return individuals to prison; and police officers sometimes watch criminal offenders go without punishment due to successful manipulations of the legal machinery by defense attorneys. Novice social servants, eager to address the needs of their communities, commonly find no support and, in some instances, find contempt from their clientele. Frequently, as referred to in an earlier paragraph, managers caught in their own trying situations fail to act supportively to staff members.

For these reasons an accepted strategy employed by social service organizations to combat burnout is the peer support group. Not only does this medium provide a forum for airing complaints, expressing feelings, and brainstorming solutions to problems, but the collective process supplies the staff member with a shared sense of professional identity. This effect is vital to self-esteem, particularly in disciplines where often the title of one's position does little to aid the lay person in understanding the nature, role and function of that position and where the work performed is frequently done alone in a nonsupportive atmosphere.

The inservice training environment provides an excellent opportunity to meet the needs of identity and support. The "inservice" quality assures relevance and peer identity by definition. Upon arriving at the training site, be it a training academy, a classroom or a hotel conference room, the trainee is removed from the normal working environment and surrounded by an atmosphere which promotes support, empathy and professional identity. This occurs physically through the impact of the training environment and the acquaintance and reacquaintance of vocational peers. The site and situation alone reassure one's sense of profession and promise a period of time devoted to professional, and sometimes personal, nurturance.

Beyond the environment and, again, regardless of content there are ingredients generic to the training process which facilitate fulfillment of the identity and support needs. Either by design or informally all inservice training programs encourage an exchange of lessons learned through the experiences of those in attendance. Not only does this process reinforce mutual identity and support, but the collective effect raises the total professional awareness level of the participants. Professional trainers agree that their trainees learn as much, if not more, through this mutual sharing as through direct instruction and often aid the process through exercises structured to encourage such interaction.

Many training experiences, through subject matter and the expertise of the trainer, have the effect of an inhouse support group. A program developed to enhance workers' skills in group counseling can provide an intense experience resulting in stronger peer support and personal growth. Many workshops aimed at helping workers cope with stress genuinely nurture peer support and an open, sharing atmosphere. That this occurs is usually evidenced by verbal or written evaluation from participants. Comments, frequently voiced or written, include remarks such as:

> "This course reminded me of why I chose to become a social worker."
>
> ". . .training should be mandatory for all staff."
>
> ". . .enjoyed interaction with other staff members."

The underlying message of these comments is that for a period of time, encompassed by the training time frame, they felt support and received a renewed sense of identity. In this matter content is secondary to process.

Achievement

It seems to be the organizational norm that achievement is equated with promotion, usually to supervision or management. This way of thinking not only limits one's concept of achievement, but also sharply reduces, in actuality, the number of "achievers." The pyramid structure of our bureaucratic institutions, public and private, permits upward mobility to only a few while most workers remain at the "line" levels. To those who subscribe to this notion the perceived thwarting of this need to achieve exacerbates the process of burnout. Joined with this pattern of thinking, organizations often fail to sufficiently capitalize on the sources of achievement intrinsic to the direct service positions, thus perpetuating the myth that promotions are the most significant achievements.

Whether viewed in terms of career advancement, interpersonal growth, or the attainment of specific goals within the scope of a position, achievement is a need that, if met through professional endeavors, will obviously bring returns to the individual, the organization and the community. If the need for achievement is frustrated in the professional environment, the individual, to fulfill this need, may channel to other pursuits—energy that could be applied to advancing the "state of the art" of social services. However, many social servants, to satisfy their needs for achievement and growth, do so through hobbies, volunteerism, outside education, or part-time employment.

Achievement can be attained and measured by means of the training experience. Most directly, this type of achievement relates to the strengths developed by gaining new skills and advancing old ones. The laboratory nature of a workshop, for example, provides the safe simulation of real-life professional situations where the trainee can achieve, in a relatively short period of time, the skills to solve professional problems. Achievement of this type forstalls burnout and increases competence.

Another form of achievement via training comes about when workshops bring together staff for the purpose of systematically defining, refining, and developing strategies to solve common problems. The frequent use of the technique of Force Field Analysis, developed by Kurt Lewin, exemplifies this type of action. Such a process is usually carried back to the workplace in the form of an interim assignment or project prior to a followup training.

In other situations achievement can be received in the training milieu. Positive evaluations by instructors and fellow trainees and graded exams broaden the scope of this definition. Achievement need not lie solely in material or positional advancement and the medium of training offers a range of alternatives.

Through following the pattern established by relating Maslow's theory of motivation to the prevailing conditions in the social services, the general issue of professionalism invites attention. The term has many interpretations. Some people orient externally to the term and seem to view professionalism simply as the wearing of a suit and tie or a dress rather than pants while in the workplace. To others the term implies an organizational focus with strict adherence to policies and procedure being the essential behavior prerequisite. While such beliefs may enhance the appearance of professionalism, the true sense of being a "professional" must come from within the individual. In order to develop and maintain such a sense the individual must strive for the integrity that comes from a sound knowledge of the principles of his or her discipline. This knowledge must be integrated with the proper measure of devotion to duty and ethical discernment.

While the idea of training as a means to this end may seem unrealistic when considering the political, social and economic forces affecting change, the premise offered in this essay remains conceivable. Training-as-panacea is a powerful concept just beginning to mature. While attending to the present needs of staff it can, at the same time, be planting seeds for tomorrow. Signs of acceptance of this concept can be seen, particularly in industry where it has been demonstrated that output is enhanced by worker satisfaction. Hopefully, it is becoming obvious that the human factors which help to provide us with better Toyotas can also provide us with better social services.

News of the Future

RESEARCH AND DEVELOPMENT IN CORRECTIONS

BY JOHN P. CONRAD

A THOUGHT EXPERIMENT

I'll begin with what Albert Einstein called a *Gedankexperiment*. What would happen to a certain set of physical processes if a change were made in them, given all that is known about the laws that govern those processes? Whether Einstein would like me to invoke his name in the justification of the following paragraphs, no one will ever know, but if I can stimulate a few thoughts beside my own, I don't think his ghost will be offended.

Suppose, then, that you are the Director of Corrections in the state of Semi-Utopia. Unlike Utopia, a sister state, Semi-Utopia has a high and rising crime rate in its metropolitan centers that causes a great deal of alarm to the citizens. But unlike most states, it has a legislature that wishes to be in the forefront of progress in criminal justice. It is willing to spend freely, but wisely, on correctional treatment programs. The appropriations committees of both the house and the senate have urged you to submit plans and budget estimates for the best rehabilitation programs that you and your staff can devise.

Talent is no problem. Psychiatrists, medical specialists of all kinds, brilliant clinical psychologists and psychiatric social workers are eager to make themselves available to you. The recruitment of teachers and vocational instructors has brought in talented and innovative educators to staff the schools in the prisons and youth training facilities. Guards, group supervisors, and industries foremen are well trained, well paid, and their morale is high.

You also are responsible for a probation and parole program on a statewide basis. The staff of the Community Services Division, which is responsible for all community-based programs, is well trained and accustomed to the adjustment to innovations that your imaginative policies have encouraged. There is a well accepted work-release program, and a system of halfway houses which are strategically located in the major cities of the state.

Your record of success and your astute management of the Department of Corrections have brought you universal admiration and public confidence. You know that whatever programs you wish to install will receive support from the community and adequate funding from the legislature. All you have to worry about now is the draft of a master plan that will rehabilitate as many offenders as possible. What will be the elements of your program?

I think you will decide that as to the institutional programs the choices are limited. If I were asked to advise you, I would recommend a full employment prison industries division, somewhat like the Free Venture model in Connecticut and Minnesota, in which every able-bodied prisoner or youth facility ward would have a full-time job at reasonable wages. If you asked me why, I would say that prison idleness is debilitating and often dangerous; people who work a full day at constructive occupations are much less prone to disorder than people who are milling around in an exercise yard, not required to do anything constructive. They are also a lot easier to control without strenuous measures requiring the frequent use of force. That's a theory of sorts, and it doesn't have much support in the data but its plain common sense makes it plausible enough to try; if it fails in the maintenance of order and by the criterion of profitability, we ought to investigate the reasons.

For the rest of our program, we would make available a diversified academic education for all prisoners and wards who wished to engage in it. In cooperation with the industries program, a vocational training curriculum would be offered to those offenders who could qualify for it. Psychotherapy and counseling would be provided to everyone who asked for such services, and it would be understood that the therapists and the counselors would respect the confidence of their clients. Probably you would decide that there should be inpatient psychiatric care for some of the more unstable and troubled men and women who would not require long-term mental hospitalization.

You would want an active recreation program. The younger offenders would be encouraged to engage in sports; the older ones would be offered physical fitness classes so that the inactivity of prison life would not be a debilitating factor adverse to post-release adjustment. And of course there would be a wide range of religious services with all the major denominations represented and led by specially trained chaplains.

What else? Well, of course you'd be concerned with the quality of life in the institutions; you would want to be sure that the basic requirements of lawfulness, safety, industriousness and hopefulness were fully met. You would expect your wardens and superintendents to be zealous in the maintenance of communications with staff and inmates and to put the stamp of their personalities on the programs. Released felons would go from institutions to parole officers who would help them find employment and work toward the greatest possible reintegration. Both probation and parole officers would have reasonable workloads; they would be expected to maintain close contacts with all newly released offenders, relaxing gradually as their probationers and parolees got themselves established. Perhaps some of the lamer offenders would need close contacts for a long time; there might be some sort of shelter program set up for them. For some of the property offenders there would be a restitution program, perhaps geared to an accelerated discharge from probation or parole. You would want to take full advantage of the halfway houses and work-release programs for which the institutions and the Community Services Division would be jointly responsible.

I have asked you to consider the master plan for the Semi-Utopia Department of Corrections not because either you or I will ever have the challenging opportunity that its lucky director would face, but rather because I believe that this thought-experiment shows how limited the range of treatment programs will be under the best conceivable conditions. The realities of the times in all states will be much less favorable to correctional treatment. Money and community support are meagerly available. Talented workers are to be found even in some unusually unfavorable situations, but too often the talent has to be directed at making the best of obsolete equipment and makeshift supplies. A lot of offenders are convinced that rehabilitation isn't worth the effort. In many states they are right; they will return to the communities from which they came and find that nearly everyone is living a hustle rather than working at the kinds of jobs for which they may have been preparing while they are confined. In the Semi-Utopian prisons and youth facilities the full range of programs will at least assure that everyone is busy enough to keep his mind off making trouble for other prisoners or the administration. In other states, not as well funded and staffed, even this goal will be hard to achieve. But with the best of intentions and with whatever resources and personnel the department can muster, the penal situation will limit what can be done to work, school and efforts at various psychological interventions. There is a finite and short list of rehabilitative programs that can be undertaken.

WHERE WILL THE NEW DIRECTIONS TAKE US?

My thought-experiment was inspired by the latest report of the Panel on Research on Rehabilitative Techniques, sponsored by the National Research Council and just issued by the National Academy Press.[1] The Panel consisted of some of the most admired figures in academic criminology, together with two distinguished penal administrators. It began its work in 1977 with funding from the National Institute of Law Enforcement and Criminal Justice in an effort to determine what strategies might improve the dismal performance of rehabilitative programs in corrections, as reported by Lipton, Martinson, and Wilks.[2] In 1979, the Panel published its first report, a reconsideration of the Lipton-Martinson-Wilks results and found itself in general concurrence with the discouraging views which were then being expressed by the late Bob Martinson, i.e., "*nothing works.*"[3] I commented on that document in the June 1980 issue of FEDERAL PROBATION; my views were expressed with some asperity. I thought the research done in most of the projects reported in the Lipton, et al., compendium was worse than the Panel thought, that recidivism was by no means a satisfactory sole criterion for the evaluation of penal programs, and that the proposals for further research advanced by the Panel were intolerably vague.

The present report is not a significant improvement. It begins with a review of the old directions in the form of a tedious and familiar history of their development since 1870. It is supposed that ever since 1870, when our forebears convened in Cincinnati to bring forth the American Correctional Association, there has been a consensus that a goal of corrections—perhaps *the* goal—should be the rehabilitation of criminal offenders. I think this interpretation of American penal history is entirely wrong. The notion of rehabilitation has seduced the naive and gratified the hard-bitten. The former were impressed by opportunities they thought they saw to practice at a new frontier. The latter were pleased that their unattractive calling could be said to have any goal at all.

What was really going on? In a career that has taken me into prisons all over the country, I have to conclude that the belief that treatment is a goal of corrections is at best a comfortable illusion that inflated some egos, eased some consciences, and did much to uplift penological rhetoric. To an uncomfortable extent it was humbug.

I do not deny that in many incarcerative facilities there have been helpful programs offered to prisoners. Illiterates have learned to read, unskilled men have learned to work at productive trades, and disturbed prisoners have resolved some of their perplexities with counseling and psychotherapy. In community-based programs, there have always been some remarkable men and women who have stuck to careers as probation and parole officers. I would not denigrate their achievements. I know they have helped many of the people they were assigned to help, and I think I know how they helped.

Their helpfulness depended on accidents of personality. A hardworking and understanding chaplain; a vocational instructor with a knack for placing his successful trainees on post-release jobs; a psychiatrist with a special gift for relating realistically and rapidly to disturbed offenders; a captain with good enough judgment to know when to give a pass to a prisoner who's committed an infraction and when to throw the book at another—all these are the right people working in the right place—side by side with time-servers waiting out their eligibility for a pension and still others working in corrections out of hunger—because this was the only job they could get. Programs administered by such a mixture of people cannot be standardized, nor is there a serious attempt to maintain performance standards in most of them. The successes are incidental to the system, achieved because there have always been people with an interest in criminals and some training that enabled them to help. An incidental success is not the achievement of a system goal, and we should stop talking as though corrections includes the goal of rehabilitation—or any goal at all, for that matter. It is a process which, if admininstered humanely and wisely, can provide some help for some troubled people, but it is still a process, just as policing, prosecution, and the trial of offenders are processes.

As it is now administered, corrections contains two profoundly different kinds of activity. On the one hand, incarceration, a terrible experience for anyone who undergoes it. On the other hand, community-based corrections—for the most part, probation and parole—which are, to a dismaying extent, no more than meaningless leniency. This is the context in which correctional treatment is supposed to take place. Nowhere in the Panel's report is there even a suggestion that some study should be given to *how* rehabilitation can take place in the conditions that prevail in an optimal correctional setting—let alone the rather less than optimal conditions that will be found in most settings today. You have to be an optimist to administer a rehabilitative technique, and the person to whom it is to be administered must have the same hopeful view of life. Optimism is hard to come by in the present-day prison or in the community in which probation and parole are based. There is no sense in initiating a complex and costly research program (and what the Panel has in mind is both costly and complex), until we can create the preconditions for rehabilitation.

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[1] Susan E. Martin, Lee B. Sechrest, and Robin Redner, editors, *New Directions in the Rehabilitation of Criminal Offenders.* Washington, D.C.: The National Academy Press, 1981.

[2] Douglas Lipton, Robert Martinson, and Judith Wilks. *The Effectiveness of Correctional Treatment.* New York. Praeger, 1974.

[3] Lee Sechrest, Susan O. White, and Elizabeth D. Brown, editors, *The Rehabilitation of Criminal Offenders: Problems and Prospects.* Washington, D.C.: The National Academy of Sciences, 1979.

The Panel's notion that rehabilitation has been and is a process with an ideal inspiring it got the Report on New Directions off to an unfortunate start. Rightly, the Panel identified the failure of the old rehabilitative ideal. Wrongly, it skipped over the most obvious question of all: Why was it that rehabilitation never worked as a system with a goal to achieve? Instead the panel moved gaily on to a series of propositions about a partnership between the researcher and the practitioner which will, it hopes, lead to new and more sophisticated models for achievement of the old rehabilitative ideal. There are eight of these propositions. I want to consider whether they constitute any reason to suppose that rehabilitation can become a goal of the penal process.

Returning to the Medical Model in Eight Steps

With all the emphasis that italics can bring to bear, the Panel sounds its keynote:

> *It is now time to undertake more systematic, long-term, and focused research that will have a substantial probability of improving techniques and programs that can be evaluated in ways that will produce more definitive conclusions.* (P. 23)

This two-toned call for more research and better programs is grounded on four assumptions about rehabilitation as a form of behavior change. These are (1) it is "possible, as indicated in other areas of social intervention"; (2) it is "more likely to occur through the adoption of a more systematic approach to the accumulation of knowledge about the change process"; (3) it is "morally and socially desirable"; and (4) it is "likely, in the long run to prove to be the most practical and cost-effective option available to the criminal justice system." (P. 23) Research then, will be the answer to our penological woes. As a researcher myself, I wish I could concur, but in the Panel's Report I can only hear the rattle of the medical model. The Panel resurrects the vernacular of the sixties to exhort us to adopt a strategy of search. A logic is suggested that will, it hopes, make that strategy effective. It consists of eight propositions, linked closely together. I will list them here, and comment on their general implications. You will find them briskly stated and explained in pages 23-26. They are enlarged upon in chapters 2-5 of the Report. Here are the unadorned propositions:

"1. Rehabilitation research must be guided by theory.
"2. Intervention programs and research should be developed jointly as a co-ordinated activity designed to test detailed theoretical propositions explicitly.
"3. Intervention programs must be designed for and tested with a theoretically suggested, clearly specified target population.
"4. In assessing any intervention program, the strength of the intervention should be systematically varied and evaluated.
"5. The integrity with which an intervention program's intended activities or components are implemented must be carefully examined.
"6. The timing of interventions in terms of the age and stage in the criminal career of the program client population requires further study.
"7. A new strategy of search is needed to determine what interventions might work.
"8. Rehabilitation research must test interventions developed at multiple loci of intervention: the family, the school, the workplace, and the community, as well as the individual."

What we have here is a plan for research and development that closely resembles the kinds of study that support medical practice, surely the most successful marriage of theory and application that is known to modern times. It is hardly a novel suggestion that the biomedical example should be emulated in corrections. The panel wants more studies of the root causes of crime, from which theories or rehabilitation can be derived. In spite of authorities as eminent as Norval Morris, Gordon Hawkins, and James Q. Wilson, to say nothing of persons as modest as myself, the Panel stubbornly holds that causal research must be vigorously pursued. Morris, Hawkins, Wilson, and Conrad argue that a moratorium should be declared on such studies; they have been unproductive in the past, and have little prospect of informing us of anything of which we are not already painfully aware. However, says the panel,

> Without better knowledge of the causes of crime, researchers and program planners will not know what services to offer or what resources should be invested in them. If . . . economic factors are only weakly related to the probabilities of criminal behavior, it would be pointless to invest extensive resources in economic interventions, especially if other factors proved better points of intervention. (Pp. 28-29)

Graphs, tables, and correlation coefficients. Crime is collapsed into a single variable, to be related in varying degrees with varying factors. The factor that is most closely related to the probability of criminal behavior will get the most resources. I must suppose that these relationships will be reassessed periodically and adjustments in the resources to be allocated will be made as necessary.

Once we have a theory, we will use it as a basis for interventions. The interventions will be tested in pilot runs, then applied, and then evaluated. Not every intervention will work with every criminal; that much is clear. Through the process of "template-matching," i.e., classification, every criminal will get the rehabilitation program that best suits his needs. The whole system will be sensitive enough to detect subtle variations, and these will receive careful study in the expectation that better templates can be created.

Learning From the Realities

My skepticism about the Panel's approach is probably showing. For me, and, I suppose, for many others, the revival of the medical model of correctional service is unreal. Let's go back to the problems confronting the director of the Semi-Utopian Department of Corrections. What can he offer his prisoners? Not a vast array of subtly varied program templates. There is a limited number of possibilities: academic education, vocational training, prison industries, and various kinds of group and individual counseling. Inspection of the Lipton-Martinson-Wilks tome will show that there have never been any convincing studies of the effectiveness of academic and vocational training, nor of the prison industries programs. There have been a disproportionate number of studies of the numerous counseling programs that have been staged, and most of them have shown no significantly positive results. Are there any untried possibilities? I daresay that there are some, but I haven't thought of any that look likely to affect any large group within an incarcerated population. By the conditions that define a prison, only a very limited number of programs can be offered, and *all* of them share the common attribute of being prison programs, administered in an unnatural environment under conditions that are coercive, and during which the realities of the future are in suspense.

In community-based corrections a different set of obstacles must be considered. Disregarding the reality that under the present American model of probation and parole, agents of these systems must be responsible for surveillance as well as service, the question arises as to what services we should equip our officers to administer. Even in the Division of Community Services in Semi-Utopia, I doubt that we will want to install any services other than the fairly casual counseling that probation and parole officers have always done. Of course, psychiatric treatment, remedial education offerings, vocational rehabilitation, and family counseling ought to be made available to offenders who are doing their time in the community. But is there any reason why they should not receive these services from the public and private agencies that provide them for the general citizenry?

What research strategies are indicated by the realities of the criminal justice system? I am inclined to vote for another moratorium, a moratorium on rehabilitation research in which still more attempts will be made to discover how novel methods of education, counseling and behavior modification can be administered to exactly the right offenders for exactly how long. In place of such research, I would like to see an experimental approach to the quality of life in penal facilities. How can a closed prison be managed so that the most prisoners possible can be usefully engaged in work and educational programs without fear for life and limb? How can the conflicts among prisoner groups be resolved peaceably? How can an incarcerative institution be converted into a facility in which constructive things can happen? Until successful experiments can bring order to the prison, there is little or nothing to be gained by the kind of research that the Panel has in mind.

And what should the experience of probation and parole be like? Is it true that for most offenders who go through one or the other that it is unmitigated leniency, and if so, what of it? Is it possible that for most of the offenders on probation and parole, leniency is enough? Until we know the answers to questions of this kind—and I don't—who needs the sophisticated research that the Panel would like to see done?

My discussion of the Panel's report has been less than favorable; I wish they would go back to their drawing boards and see what they can do with my questions. Nevertheless, in spite of my structures, the book is well worth its expensive price, if only for some of the remarkably good commissioned papers. Lamar Empey's thoughtful essay on the "Evolution and Implication of Sociological Theory," is a pleasure to read, despite his conclusions which are almost as gloomy as mine. Malcolm Klein is characteristically original and exhaustive in sweeping out the underbrush on the subject of early sanctions for juvenile offenders. Likewise, Gary Gottfredson on "Schooling and Delinquency" is a rewarding essay, comprehensive and thoughtful in the interpretation of data. Those who need to know what is known, as of 1981 will need this book. Those who want guidance on what to do about rehabilitation will do better by seeing to it that conditions in the correctional systems for which they are responsible are as favorable to the conventional programs as they can arrange.

Looking at the Law

BY JUDD D. KUTCHER

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REVOCATION; RULE 35(b), F. R. CR.P. MOTION TO REDUCE

In granting probation, a sentencing court can either suspend imposition of sentence or impose a sentence and suspend part or all of its execution. 18 U.S.C. § 3651. It is well established that rule 35(b)'s authority for a court to reduce a sentence within 120 days of its imposition applies at revocation to a defendant where the court initially suspends imposition of sentence and places the defendant on probation. However, there is currently a split of authority among the circuits regarding whether a court may reduce a sentence under rule 35(b) in the second probation option: when the court imposes a sentence, but suspends part or all of its execution in connection with a grant of probation. The Third and Eighth Circuits say "yes," the Second and Eleventh Circuits say "no." *Compare United States* v. *Colvin*, 644 F.2d 703 (8th Cir. 1981) and *United States* v. *Johnson*, 634 F.2d 94 (3rd Cir. 1980); *with United States* v. *Rice*, 671 F.2d 455 (11th Cir. 1982) and *United States* v. *Kahane*, 527 F.2d 491 (2d Cir. 1975). This issue turns on an interpretation of the language of this rule, but ultimately upon policy considerations which seem to favor permitting a probationer with a suspended sentence to seek a rule 35(b) reduction of sentence subsequent to his resentencing at revocation.

The key provisions of rule 35(b), which relate to this issue are as follows:

> The court may reduce a sentence within 120 days after the *sentence is imposed*, . . .
>
> The court may also reduce a sentence upon revocation of probation as provided *by law* [an apparent reference to 18 U.S.C. § 3653—which authorizes the court to require the defendant to serve the original, suspended sentence or any lesser sentence]. (Emphasis added.)

An ostensible precondition to the application of this rule is the defendant's filing the motion within 120 days of *imposition* of his sentence, long before a probationer is likely to face resentencing at revocation. A sentencing court at revocation of an imposed but suspended sentence, has available a range of sentencing options, evaluates the usual sentencing factors and exercises discretion in selecting an appropriate sentence. Accordingly, the Third and Eighth Circuits, *Johnson* and *Colvin*, respectively, conclude that the sentencing court's action is resentencing at revocation amounts in reality to the required "imposition" of sentence, for purposes of rule 35(b). 644 F.2d at 707; 634 F.2d at 97.

Both the Second and Eleventh Circuits, *Kahane* and *Rice*, respectively, characterize resentencing at revocation differently: sentences are "imposed" only attendant to the trial, the revocation either reinstates or reduces the defendant's sentence, rather than imposing a new sentence. 671 F.2d at 460; 527 F.2d at 492. In particular, the court in *Rice* finds the language of rule 35(b) in connection with section 3653 of title 18 noted above, reveals Congress's intent that resentencing of a suspended execution of sentence at revocation is *not* an "imposition" of sentence. Nevertheless, reliance upon section 3653 only suggests the correct interpretation of rule 35(b) policy considerations are controlling. 671 F.2d at 460-61.

The policy arguments are as follows: The principle of law requiring similar treatment of persons similarly situated calls for the same treatment of a probationer at revocation, regardless of whether the sentencing court initially suspends imposition or execution of the sentence. *Johnson, supra, citing Korematsu* v. *United States*, 319 U.S. 432, 435, (1943). In other words, why should a defendant placed on probation be treated differently as to rule 35(b), merely because the sentencing court chose to suspend execution of sentence rather than imposition of sentence. This argument presumes that a defendant, whose execution of sentence has been suspended, is likely to have a meaningful opportunity to seek reconsideration of that sentence at the time the suspended sentence is initially imposed. Neither the defendant nor the sentencing judge can know of events which might later occur which would bear on the appropriate term of imprisonment should the defendant subsequently violate his probation. 644 F.2d at 705; 634 F.2d at 95-96. This interpretation of rule 35(b) would facilitate the rule's objective, *i.e.*, providing each convicted defendant a second round before the sentencing judge, and affording the judge a second opportunity to consider the defendant's sentence in the light of any further information about the defendant which may have been brought to its attention in the interim.

The Eleventh Circuit in *Rice* strongly rejects this policy analysis. It contends that for a probationer the first chance before the court is at the initial sentencing (*i.e.*, this is a realistic opportunity); the *second* chance before the court is at the revocation hearing, where § 3653 authorizes the court to reduce the suspended sentence. Giving a probationer the further opportunity to submit a rule 35(b) motion after his resentencing at revocation would provide the defendant with a *third* opportunity to plead for a light sentence, rather than a second, as promised by rule 35(b).

It is worth noting that the most recent Preliminary Draft of Proposed Amendments to the Federal Rules of Criminal Procedure (circulated to the bench and bar by the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States in October 1981) expressly provides that under rule 35

> Changing a sentence from a sentence of incarceration to a grant of probation (*i.e.*, suspending an execution of an imposed sentence) shall constitute a permissible reduction of sentence under this subdivision [rule 35(b)].

The Advisory Committee note explains that this proposed amendment, albeit without the benefit of *Rice's* comprehensive analysis, is intended to resolve the current split of authority on the issue, and notes that it agrees with the result and policy reasons which the Third Circuit in *United States* v. *Johnson*, noted above, expresses:

In the absence of this rule change, the issue appears to turn upon whether a defendant's opportunity to ask for a rule 35(b) reduction of sentence at his initial sentencing is meaningful, that is, whether a probationer with a suspended execution of sentence gets two or three chances to convince the sentencing court to reduce his sentence. However, this question may be merely a "red herring." Assuming, for argument's sake, that application of rule 35(b) to a resentencing of an earlier imposed sentence constitutes a third chance, it is difficult to articulate what harm could result from offering the defendant and the court one more look at the appropriateness of the sentence. The lack of a perceived detriment argues for authorizing the application of rule 35(b) for revocation for a suspended sentence.

Sentencing; Controlled Substances Act

Let me offer some general comments concerning sentencing under § 841(a) (1) of title 21. In connection with a violation of 21 U.S.C. § 841(a) (1), a court is authorized to impose a special parole term of "at least" 3 years, or 6 years if there was a prior section 841(a), or other subchapter I or II offense (*e.g.*, 21 U.S.C. § 841(b) (1) (A)). Thus, for example, a 15-year special parole term would be permissible under the statute.

There is an essential precondition to the imposition of a special parole term of any length: the court's imposition of a sentence of a term of imprisonment.

Section 841(b) (1) (A), the penalty provision related to § 841(a) (1), provides as follows:

> *Any sentence imposing a term of imprisonment* under this paragraph *shall*, in the absence of such a prior conviction, *impose a special parole term* of at least 3 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a special parole term of at least 6 years in addition to such term of imprisonment. (Emphasis added.)

Therefore, if a court suspends imposition of a term of imprisonment and grants probation, the precondition of an imposition of a term of imprisonment for section 844(b) (1) (A)'s special parole term would *not* be met. Thus no special parole term should be imposed at that time. Only if the court subsequently revokes the defendant's probation and imposes a term of imprisonment would the court also impose the statute's special parole term. If a court imposes a sentence and suspends part or all of its execution and grants probation, the special parole term is imposed but its execution is suspended, unless the defendant is revoked, because the special parole term is an integral part of the suspended sentence.

Restitution; Effect of Bankruptcy

A bankruptcy proceeding would not preclude a court's ability to require restitution, nor would it discharge a defendant's responsibility to pay restitution which a court had ordered.

The legal issues involved in determining whether a person may properly file for bankruptcy are different from those that would be considered by a court in determining whether an individual was indigent. In other words, even though the defendant had legally filed for bankruptcy and been granted freedom from his financial debts, the person might not qualify as an indigent for purposes of restitution under 18 U.S.C. § 3651. Under section 3651, a probationer can only be relieved of his restitution obligation where he demonstrates to the sentencing court that at no time did the defendant have the resources or a way to acquire them to pay the restitution—between the imposition of the sentence and the point when the court charged him with revocation for failure to comply with the restitution condition. *See e.g.*, *United States* v. *Boswell*, 605 F.2d 171 (5th Cir. 1979).

As long as a person cannot prove indigency, the court may require him to pay restitution as a condition of probation. His obligation to comply with this condition, which is in effect incorporated into the criminal judgment of the court, cannot be discharged by a bankruptcy proceeding. *Cf.* 11 U.S.C. § 523(a) (4) (debt for fraud or defalcation while acting in a fiduciary capacity, embezzlement or larceny not dischargeable).

A recent Fifth Circuit opinion supports this view, but offers a different rationale. *United States* v. *Carson*, 669 F.2d 216 (5th Cir. 1982). In *Carson*, the defendant's debt to the victim of his criminal offense was "discharged" in a bankruptcy proceeding. The discharge in bankruptcy wiped out the defendant's debt "qua debt," *i.e.*, as a financial obligation to a creditor. But it did not extinguish the victim's loss for purposes of the probation statute. 18 U.S.C. § 3651. Restitution is primarily intended to punish or reform the defendant, not to make the victim financially whole. Since the purposes of the restitution requirement remain regardless of the bankruptcy proceeding; the defendant continues to be responsible to adhere to the condition.

Probationer's Reimbursement of CTC Costs

Section 3651 of title 18 authorizes a court to require a defendant, as part of his probation conditions, to contribute to the costs of his stay at a Community Treatment Center (CTC). There is no ambiguity with respect to where funds which the court collects pursuant to this provision of section 3651 must be deposited. Section three of Public Law 91-492 imposes a mandatory requirement:

> Funds collected [by the court from the probationer] pursuant to section 3651 . . . of title 18, as amended, *shall* be deposited in the *Treasury of the United States* as miscellaneous receipts. (Emphasis added.)

While there may be sound policy reasons for a direct payment to a CTC, the statute is so express as to preclude a payment other than to the Treasury.

RECENT MISCELLANEOUS CASES

A. *Restitution; Medical Expenses*
State v. *Hargis*, 620 P.2d 1181 (Ct. App. Kan. 1980).

A restitution requirement that a probationer pay for a victim's medical expenses is valid where the victim would not have been injured *but for* the defendant's unlawful possession of a firearm. In such circumstances, the victim's medical expenses are sufficiently related to the offense for which the defendant was convicted to constitute actual damages to an aggrieved party.

B. *Motion To Amend Sentence for Early Parole*
United States v. *Alston*, 506 F. Supp. 472 (D.D.C. 1980)

A defendant's motion to have his sentence amended to allow for his early parole constitutes a "motion to reduce," authorized by Rule 35 *F.R.Cr.P.* It must be filed within Rule 35's 120-day time limit.

C. *Revocation; Guilty Plea*
United States v. *Stehl*, 665 F.2d 58 (4th Cir. 1981).

Rule 11(c) of the Federal Rules of Criminal Procedure requires the court to inform a defendant of various rights and the consequences of his waiver of these rights by choosing to offer a guilty plea, rather than going to trial. However, the provisions of Rule 11 are inapplicable to a probationer's plea of guilty to a probation violation. *Accord United States* v. *Johns*, 625 F.2d 1175 (5th Cir. 1980); *United States* v. *Hill*, 548 F.2d 1380 (9th Cir. 1977); *United States* v. *Segal*, 549 F.2d 1293 (9th Cir.), *cert. denied*, 431 U.S. 919 (1977).

D. Probation Condition; Psychological Counseling
United States v. *Stine*, ___ F.2d ___ (3rd Cir. 1982), 31 Cr.L.Rptr. 2081 (3/26/82), *affirming* 521 F. Supp. 808.

A probationer who has been convicted of being an ex-offender in possession of a firearm questioned the validity of a probation condition requiring him to seek psychological counseling. The Third Circuit upholds the condition in this case, but clarifies that since this kind of condition would impinge upon a defendant's constitutional right of privacy, it must be reasonable and reasonably related to the defendant's rehabilitation or the protection of the public. *Cf. United States* v. *Consuelo-Gonzalez*, 521 F.2d 259 (9th Cir. 1975).

According to the Third Circuit, it agrees with the district court's reasoning that Stine's courtroom behavior and criminal record suggested that psychological counseling would decrease the likelihood that his past aberrant conduct would reoccur to the possible harm of a member of the public, and thus met the reasonable relationship requirement. However, a further aspect of reasonableness would be involved in a psychological counseling condition. A psychological counseling condition might be invalid if it threatened the defendant with seclusion, injection of psychochemical drugs, or other similar intrusion into his thought processes, or his marital or family life. *Cf. Rennie* v. *Klein*, 653 F.2d 836 (3rd Cir. 1981). In this case, the condition involved no such intrusion. The defendant was only required to "participate in a dialogue with a counselor."

Letters to the Editor

Prison Crowding

TO THE EDITOR:

Having just read the "Prison Standards" paper on pages 48–54 of the December 1981 issue of your journal, it must be pointed out that much of the data upon which this paper is based is not as sufficient as the paper at times indicates. There are reported data-based findings which raise many important hypotheses deserving of continued study but they cannot yet be assimilated into the theatrical conclusions which are forwarded. Expansion of these objections is detailed in my January 25, 1982, "Review and Critique" of *The Effect of Prison Crowding on Inmate Behavior*, copies of which are available from Mr. John P. Canney, Chief, Division of Classification and Statistics, Department of Rehabilitation and Correction, 1050 Freeway Drive, North, Suite 312, Columbus, Ohio 43229.

February 17, 1982

JOHN P. CANNEY
Chief, Division of
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Response to Pabon Letter

TO THE EDITOR:

In his letter dated August 24, 1981, Mr. Edward Pabon takes issue with an article entitled "Juvenile Intake Decisionmaking Standards and Precourt Diversion Rates in New York," written by Professor Charles Lindner of John Jay College of Criminal Justice, and published in the June 1981 issue of FEDERAL PROBATION. Mr. Pabon bases his disagreement and criticism on three grounds.

First of all, Mr. Pabon claims that "legislative standards in New York focus on a minimal segment of the delinquent referral population." He then goes on to cite a "recent study of the New York City Family Court indicating that designated felonies represent only 4% of the delinquent referrals" concluding "in addition, they have no impact on PINS or status offenses cases." Mr. Pabon cites this so-called "recent study" without providing the date, source, sponsoring agency, or any other identifying information making any attempt at verification or further inquiry virtually impossible. "Quoting" an isolated statistic completely out of context is, at best, a highly questionable practice and is surely not representative of acceptable scholarly writing.

The date of this anonymous "recent study" becomes especially critical because of legislation passed during the past few years radically changing the processing of juveniles, most notably, the New York State Juvenile Offender Law of 1978 which gave the New York State Supreme Court original jurisdiction over juveniles between 13 and 15 charged with certain serious crimes and which mandates completely bypassing juvenile intake should these "juvenile offenders" be removed to Family Court. The point is that, in recent years, statutory limitations on intake decisionmaking have increased significantly and have all been in the direction of further diminishing the discretion and role of intake probation officers.

Mr. Pabon's alluding to status offenders or PINS remains a complete mystery and is totally irrelevant to the present discussion as neither he, in his original article entitled "A Re-Examination of Family Court Intake" (FEDERAL PROBATION, December 1978), nor Professor Lindner, in the subsequent article, touched upon this topic.

Mr. Pabon's next point is that "administrative standards are merely *advisory* regulations, still permitting unbridled discretion by individual probation officers." This second assertion is simply and unequivocally not true. New York City probation officers are not self-employed practitioners who are perfectly free to function in whatever way they choose with complete independence and impunity. On the contrary, New York City probation officers, like all other levels of staff, are expected and required to abide by and adhere to all departmental regulations and standards and, if found to be in non-compliance, can be, and in a number of instances have been, subject to a variety of sanctions ranging all the way from a reprimand to suspension without pay.

The point is that administrative standards, guidelines, and regulations promulgated by the New York City Department of Probation are anything but "advisory" in nature and Mr. Pabon does a grave injustice to all members of that department by alleging, incorrectly, that we are accountable to no one in terms of our daily decisionmaking when, in fact, just the opposite is true. As Mr. Pabon may or may not be aware, there is a world of difference between working for a small, private, social service or casework agency where the individual practitioner is given a great deal of latitude and being employed by a large, bureaucratic, public agency where controls are necessary and very much in evidence.

Finally, Mr. Pabon tries to attribute changes in precourt diversion rates to budget cuts and staff reductions. As Professor Lindner clearly showed, from 1974 to 1980, there was a steady, consistent, year-by-year increase in the percentage of delinquency cases referred on to the petition stage of the juvenile justice process. In contrast, staffing levels in the New York City Department of Probation fluctuated dramatically during that same time frame beginning with layoffs in 1975 at the height of the fiscal crisis which were, then, followed, in turn, by a virtual hiring freeze during the next 2 years. In 1978, hiring was resumed once again and has accelerated ever since. If one were to plot these changes on a graph, the result would be something approximating a U-shaped curve whereas changes in the percentage of delinquency cases referred to court would turn out to be a steadily ascending, straight line.

If Mr. Pabon's thesis were correct, as staffing levels have gone up, the percentage of cases referred to petition should have shown some decrease which has not happened. The point is that changes in staffing levels in the New York City Department of Probation and changes in precourt diversion rates have followed completely different patterns during the past few years and there is no reason to posit any correlation or causal relationship between these two factors despite Mr. Pabon's vain attempt to do so.

Mr. Pabon, in the statements he puts forward, betrays an appalling ignorance as regards the internal workings and operations of the New York City Department of Probation, a knowledge gap which can perhaps be explained, although certainly not excused, by the fact that he has never been directly involved in the juvenile intake service in any capacity nor, for that matter, has he ever been officially connected to the New York City Department of Probation in any way. Despite this, Mr. Pabon blithely goes on reiterating his allegation of "broad and largely uncontrolled discretion" on the part of individual intake officers which he originally made in 1978 and which is even more inaccurate today than it was 4 years ago.

March 13, 1982

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Reviews of Professional Periodicals

THE JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY

Reviewed by EUGENE H. CZAJKOSKI

"Real Offense Sentencing: The Model Sentencing and Corrections Act," by Michael Tonry (Winter 1981). Sentencing reform has caught fire around the country and the ignition started about 5 years ago (although sparks were flying much earlier in the context of such recommendations as found in the Model Sentencing Act of NCCD and the Model Penal Code of the American Law Institute). To say that sentencing is a complex event is to understate the matter. Certainly, sentencing is pivotal in the criminal justice process and it represents a culmination, the prospect of which induces what precedes it and the achievement of which enables nearly all that follows it. The present momentum for somewhat remedying sentencing cannot be fully explained by the familiar and long-standing problem having to do with dimensions of disparity nor is it sufficient to refer to problems of operating efficiency, displaced organizational goals, and general deterrence. To dismiss the present clamor for sentencing reform as mainly a fashion doesn't seem right but in looking about the country there are some signs of a bandwagon effect. In any case, it is clear that a near majority of state legislatures, almost like dominos, have recently fallen into altering sentencing standards and procedures. Whatever the actual impetus, it is this reviewer's observation that the current flurry of sentencing reform is at least fanned by the influence of the "Just Deserts" Model, which in turn appears as part of a conservative reaction pervasive in our society.

This article offers an extensive and critical analysis of the Model Sentencing and Corrections Act formally adopted by the National Conference of Commissioners on Uniform State Laws.

Further, the article, in criticizing the act, tangentially comments on what sentencing changes have occurred in certain states like California and Minnesota. It is worthwhile reading if one is not disconcerted by the voluminous footnoting which seems typical of articles written by lawyers. (Incidentally, as noted by this reviewer in previous columns, the *Journal of Criminal Law and Criminology* seems to grow fatter with each issue. This issue has 781 pages with one 69-page article, which has a lawyer as senior author, containing no fewer than 331 footnotes. On very many pages throughout the Journal, footnotes take up more space than the narrative and one's jumping eyes begin to long for coherent writing.)

The author's chief target for criticism in the Model Act is the feature which permits the sentencing authorities to penetrate the offense of conviction and impose penalty on the basis of the "real offense." The presumed goal of said feature is to enable the sentence to escape the constraint of plea bargaining. The author is "not enthusiastic about a proposal which requires that guilty pleas, trial verdicts, the law of evidence, the criminal burden of proof, and the substantive criminal law be ignored with sentencing being based instead on the court's conclusions about what 'really happened' without regard to the offense charged." The author further argues that "real offense" sentencing is opposed to basic notions of liberty, is unlikely (because of easy circumvention) to reduce the impact of plea bargaining on the sentencing process, and is unfair, inefficient and probably unconstitutional. Moreover, it is contended that most courts already function on a "real offense" basis but they do not acknowledge it.

"Shootings of and by Chicago Police: Uncommon Crises. Part I: Shootings by Chicago Police," by William Geller and Kevin J. Karales (Winter 1981). This first of a two-part article is lengthy in itself (53 pages) but every bit of its length seems justified in terms of the very engaging facts, concepts and analyses presented. One eagerly looks forward to the publication of Part II.

Although little studied until recently, the magnitude and significance of the problem of shootings by police warrants careful and intensive investigation. On average, one or two persons are killed by American police each day. Probably three times the daily average are wounded. The number of police gunshots which miss undoubtedly are among the five-digit figures, at a minimum. Police shootings not only impact on a network of direct victims, they also frequently provoke riots and other forms of citizen unrest. The Miami riots of 1980 provide a painful example.

The growing literature on police shootings is becoming convoluted and reflective of improved methodology. The separate works of such researchers as Lawrence Sherman and James Fyfe have introduced incisive questions and refined empirical dimensions. The present authors have developed much data and analyses that are unique and they have undeniably propelled this line of research a great distance forward. They have substantially broadened the scope of the research area by going beyond the typical examination of fatal shootings by police and adding *woundings* and the shootings *of* police officers.

As a result of the Chicago Police Department's opening of its police shooting files to a public interest group, the authors, who were respectively the director and researcher of the group (The Chicago Law Enforcement Study Group) were able to obtain and analyze data covering all shootings involving Chicago police officers over the 5-year period from 1974 to 1978. There were 650 shooting incidents: 523 civilians were shot by police: and 187 police were shot by civilians, by other police officers or by themselves (this reviewer recalls an earlier work by Fyfe which indicated that the chief cause of shooting deaths among New York City police officers was suicide). As to reasons given by police for shooting civilians, the most frequent reason given (51%) was the civilian's use or threatened use of a gun. Among other reasons given were flight, physical force or threat of it, accident, mistaken identity, etc.

Previous empirical research by others displayed the following pattern: "The most common shooting of a civilian by a police officer in urban America is one in which an on-duty, uniformed white officer shoots an armed black male between the ages of 17 and 30 at night in a public location, in connection with an armed robbery. Typically the shooting is subsequently deemed justifiable by the police department following an internal investigation." The issue of racism raised by this pattern is one of the major questions the authors address in the analysis of data. They could not come to a definite conclusion on the matter. They found that "On-duty white officers are four times as likely to shoot black civilians as they are to shoot white civilians. But on-duty black officers are more than 15 times as likely to shoot black civilians as they are to shoot white civilians." To some extent this might be explained by deployment patterns of white and black officers where white officers tend to be concentrated in white communities and black officers in black communities. The overrepresentation of blacks killed by police is considered by some to understandably parallel the overrepresentation of blacks in the crime rate thereby challenging the allegation of police racism. Others protest that racism affects both the decision to arrest and the decision to shoot so that the aforementioned parallel proves nothing. Still others might contend that racism (against blacks) is practiced by both white and black police officers.

The article is replete with interesting bits of information and angles of analysis: race of officer shooting; race shot; off-duty versus on-duty; differential survival rate; crime level of district where shootings occur; type of felony involved, etc. The research relies mainly on cross tabulations and correlations and, as the authors themselves recognize, multivariant analysis would have substantially enlightened their research, particularly in regard to the race issue.

"The Saturday Night Special: An Assessment of Alternative Definitions of a Policy Perspective," by Philip J. Cook (Winter 1981). The "Saturday Night Special," so-called, is generally defined as a small, cheap handgun of poor quality metal and of low caliber. It is usually unsafe and unreliable. As such it would seem to be the most vulnerable firearm when it comes to gun control. The National Rifle Association disdains it and refuses to accept advertising for it in its official journal, *The American Rifleman.*

This article examines the police debate regarding Saturday Night Specials with an eye on possible crime reduction associated with a ban on the sale of such guns.

Opponents of the Saturday Night Special argue that the gun is without legitimate purpose. However, others argue that despite the deficiencies of the weapon, it can be used for self-defense and it is better than nothing in that regard. Even if the gun had some utility in self-defense, it is argued that the dangerousness (sometimes they explode when fired) of the gun is sufficient to condemn it. Still, firearms are precluded from concern by the Consumer Products Safety Commission and the question of dangerousness, some say, lacks adequate support from research.

The low price of the Saturday Night Special purportedly makes it attractive to those people who commit a disproportionate share of violent crime. Placing a high tax on the gun to deny it to poor people would appear as unethical economic discrimination and therefore politically unsound, especially since poor people in large cities run a high risk of being a crime victim and might justifiably assert a need to own a gun for self-protection.

The easy concealability of the Saturday Night Special is another negative feature which facilitates its use in crime. Looking at the states which report characteristics of handguns used in crime, the author found that more than two-thirds of the handguns used in violent crimes were of the small variety with barrels of three inches or less. Thus, "highly concealable handguns predominate in violent crimes." The author concludes that the two most important issues regarding the Saturday Night Special are concealability and price. There is very little information regarding the price issue and in addition there are the inhibitory political and ethical ramifications. The author recommends that, "For now, policy makers would be well ad-

vised to focus on the single issue of concealability in consideration of the Saturday Night Special problem."

THE INTERNATIONAL JOURNAL OF THE ADDICTIONS

Reviewed by DAVID M. PETERSEN

"Program Characteristics and Residents' Length of Stay in Alcoholism Halfway Houses," by Patricia Yancey Martin (July 1981). The purpose of this study is to examine the relationship of average length stay for residents in alcoholism halfway houses to a variety of characteristics of the facility and the treatment program (e.g., size, administrative structure, and staffing; program quantity and format). The sample consisted of 23 halfway houses for alcoholics, constituting approximately one-half of all such facilities in the State of Florida during 1972. Results indicate that whether the facility is long-stay or transitional, halfway houses with the following characteristics report a longer average length of stay by their clients: (1) fewer resources per client; (2) a less varied and less complex division of labor and administrative structure; (3) a lower staff/client ratio; (4) a lower percentage of budget committed to staff salaries; (5) less extensive support from community leaders and organizations; and (6) clients at lower levels of physical and occupational functioning. In addition, long-stay alcoholism halfway houses do not have as extensive treatment programs as transitional houses do. Finally, in transitional halfway houses, the amount or intensity of the treatment program per se has very little effect on the average length of stay by clients. Certain aspects of these results are perplexing and the author's discussion focuses upon interpretations which may resolve the foregoing dilemma. The author concludes that longitudinal research of a comparative nature is needed to identify the consequences of a longer versus shorter average stay for both long- and short-term residents of a given type of facility.

"Psychotherapy with Hallucinogenic Adjuncts from a Learning Perspective," by Alan Grieco and Robert Bloom (July 1981). Although current opinion holds that hallucinogens have no clearly defined therapeutic use, the authors contend that there is evidence that they represent a valuable adjunct to psychotherapy. Despite the fact that there are no sanctioned clinical research programs ongoing in the United States today, there have been a number of well-controlled studies conducted in the past which have indicated that hallucinogen-assisted psychotherapy is both safe and effective. Following a historical overview, the authors review the existing literature on psycholytic and psychedelic therapy approaches in terms of rationale, technique, applications, and outcomes. The term "psycholytic therapy" refers to the dissolving or releasing of tensions and conflicts, whereas "psychedelic therapy" refers to producing a particular kind of experience using high dose administration of some hallucinogen. The authors propose a new theoretical approach stemming from a learning perspective/orientation as a conceptual basis for the more efficient and beneficial use of hallucinogens in psychotherapy. The authors argue that if experimental work can confirm the proposed paradigm that hallucinogens affect the learning process, then their more frequent use in psychotherapy seems warranted.

"Treatment Program Clients and Emergency Room Patients: A Comparison of Two Drug-Using Samples," by Dale D. Chitwood and Janet S. Chitwood (July 1981). The purpose of the present investigation is to compare the characteristics of a sample of drug abuse treatment program clients with the characteristics of a sample of individuals with acute drug reaction problems to indicate the extent to which the traditional profile of drug abusers accurately describes these disparate populations. Data were gathered on a sample of 206 drug abuse clients from the 1,306 admissions to the Metropolitan Drug Program of Dade County (Florida) during January-June 1974 and from 103 former patients of the 1,087 acute drug reaction admissions to the emergency room of Jackson Memorial Hospital from July-December 1973. Past research on institutionalized drug abusers has produced a profile of the drug user as a young, nonwhite male, narcotic-addicted, marginal citizen with a criminal record. Using this profile as the framework for analysis, the study compares the drug treatment clients to the sample of emergency room patients to ascertain the extent to which the traditional profile of drug abusers accurately describes these drug-using groups. The data indicate that the treatment client sample does resemble the traditional drug abuser profile but that the emergency room patient sample does not. Thus, the traditional drug abuser profile is not a comprehensive description of all drug users. Treatment implications of this conclusion are discussed. Specifically, the data imply: (1) the definition of drug abuse problems should be expanded beyond those of the street addict (illicit drug subculture) to include problems of drug misuse manifested by acute drug reaction patients; (2) existing drug treatment programs serve users who resemble the traditional drug abuser profile but these programs do not reach other types of users; (3) to serve individuals such as those who seek emergency rooms with acute drug problems, alternate treatment services which meet the needs of this population must be designed; (4) the establishment of appropriate treatment services must be accompanied by a well-developed referral service; (5) if alternative treatment services are developed, the selection and training of personnel will be important; and (6) in an era of limited funding, a needs assessment designed to generate information on existing treatment services and emerging community needs is essential.

"Drug Themes in Metropolitan Newspapers: Review and Analysis," by Robert J. Craig (August 1981). The purpose of this study is to provide a systematic content analysis of articles dealing with illicit drugs. Although mass communication provides the setting against which our treatment and control efforts occur, there has been no effort to review metropolitan newspapers for their representations of drugs despite its proliferate role in mass communications. Methodology for the study included the recording of every article appearing in two major metropolitan newspapers (*Chicago Sun-Times* and *Chicago Tribune*) for a 6-month period covering mid-March through mid-September 1978. Drug themes represent a common occurrence in metropolitan daily newspapers. Approximately 239 separate references to illicit drugs appeared between the two newspapers during a 183-day period. Clearly marijuana and heroin occupied most of the attention as specific illicit drugs with 92 and 68 references respectively. Public education, legal problems, "official" drug use, and celebrity drug use are the content areas which received the most attention during this 6-month period. Several points are emphasized by the author, including: (1) metropolitan newspapers tend to report informational type stories on the dangers of drug abuse and related stories on what deleterious events occur to those who try drugs (drug raids, arrests, seizures, imprisonment); (2) while heroin is perceived as being a far more dangerous drug than marijuana, the latter drug received much more attention in the press, perhaps reflecting the degree to which the public is interested in marijuana; (3) articles while ostensibly dealing with drug abuse were often really politically oriented with either the content or tone used to embarrass the government or White House administration; (4) a major issue for the public and for policymakers is not only the information and its potential effects which we acquire from newspapers but even more so the information which we do not get (e.g., the absence of stories concerning advancements in the treatment and prevention of drug abuse); and (5) secondary analysis of the media would seem to be an unobtrusive barometer to gauge and study the kinds of material the public is using to help shape their attitudes and values in significant areas of society.

"The Clinical Judgement Process in the Prescribing of Psychotropic Drugs," by Kjell E. Rudestam and Sally E.

Tarbell (August 1981). The problem under consideration in the present study is the assessment of the strategies used by general practitioners in prescribing psychoactive drugs. It is hypothesized that the decisionmaking involved in prescribing can be adequately described by a linear mathematical model. Subjects were a group of 24 general practitioners associated with the 200-member Department of Family and Community Medicine at the University of Toronto (Canada). The subjects were presented 63 vignettes, each describing a patient with a different combination of symptoms for which psychotropics are prescribed, and asked to choose the most appropriate drug for each patient. A mathematical model for each physician's prescribing pattern was developed from the information provided by his/her responses to the case descriptions by treating the signs and symptoms presented in the case descriptions as independent variables and the doctors' drug choices as dependent variables in a multiple linear regression analysis. The physicians prescribing strategies were found to be highly idiosyncratic and were not related to their medical experience nor to the type of private practice in which they engage. There was a relatively even distribution of prescriptions across three major drug categories (major tranquilizers, antidepressants, and minor tranquilizers), with antidepressants constituting the model group. In general, the physicians expressed confidence with the prescribing task as demonstrated by the ratings which accompanied their drug choices. Sex of the patient and the symptom, insomnia, had no appreciable influence upon the physicians' decisions to prescribe a psychotropic drug. The older patients (40-65 years old) and those who were withdrawn were slightly more likely to be prescribed an antidepressant and less likely to be given a minor tranquilizer than younger and nonwithdrawn patients. The most powerful indication for the prescription of a minor tranquilizer appeared to be the absence of low mood, agitated-manic, and/or paranoid symptomatology. Paranoid and/or agitated and manic symptoms proved to be very important indicators for the prescription of a major tranquilizer. The presence of low mood was the most powerful predictor variable overall. It heavily weighed the physicians' decisions in favor of prescribing an antidepressant and biased them against prescribing a minor tranquilizer. Implications for the use of models such as that used here for improving prescribing techniques and for their potential utility in clinical training are discussed.

CORRECTIONS MAGAZINE

Reviewed by OMAR G. RIOS

"Corrections, Military Style," by Philip B. Taft, Jr. (December 1981). It is estimated that not more than one-quarter of the 6,000 inmates confined in the U.S. military brigs and stockades around the world are felons. The majority of the lawbreakers in the military are confused youngsters who have committed military offenses such as unauthorized absence, disobedience, or disrespect, or other minor criminal offenses. This problem is described by an officer as a "big old juvenile delinquent problem."

The number of military prisoners has been increasing dramatically since 1978. Military correctional officials attempt to explain this problem as being the result of a harder line on crime and punishment by military judges and by senior officers, because of the sevices' massive antidrug campaign, and as being the result of the influx of problem recruits.

Military offenders closely resemble youths in state institutions. They often come from lower-class families, where divorce and marital strife was evident. Many are school dropouts, many have police records, and as many as half of the military offenders are members of minority groups.

Since the late 1960's, the Armed Forces have moved to professionalize their correctional program and have stressed that rehabilitation, not punishment, should be their correctional goal. The Military Correctional Facility Act of 1968 has contributed to bringing about this change and has also led to construction projects, new correctional manuals, and to the establishment of career positions in corrections.

Approximately 4,000 of military offenders now confined have received sentences of 6 months, or less, and are placed in detention facilities equivalent to a county jail. The Army, Air Force, and Marines send those with punitive discharges and who are serving sentences of 6 months or longer to the U.S. Disciplinary Barracks at Fort Leavenworth, Kansas. The Navy confines their long-term offenders at its brig in Norfolk, Virginia.

Incarceration rates vary greatly from service to service. The Marines have an incarceration rate of 437 per 100,000; the Army has a rate of 383 per 100,000; the Navy has a rate of 303 per 100,000; and the Air Force's rate is 108 per 100,000. Prisoner profiles for all branches are quite similar. Approximately 75 percent of prisoners are charged with unauthorized leave, 16 percent with failure to obey orders and larceny, assault and drug related offenses make up the rest of the charges. The daily average for military women in confinement is about 75.

The nature of the charges indicates that well over 90 percent of service personnel are convicted.

The Air Force has established a corrections program that is based primarily on therapy and counseling. Goals include strengthening self-awareness. The Army attempts to build confidence in soldiers who have a history of running away from problems.

Troublemakers are not simply discharged because of manpower and monetary considerations. A retraining program costs the Army at USARB, Fort Riley, Kansas, about $4,000 per man, as compared to between $13,000 to $20,000 for the training of a new recruit. Career officers and enlisted personnel cannot comprehend why someone wants to leave military service. There seems to be a greater effort made to retain someone who wants to leave the military service.

The population of military prisons will likely continue to grow because of problem recruits coming into the services. Some are marginal in terms of trainability and some do not like authority.

"Minnesota Cracks Down on Chronic Juvenile Offenders," by Edward Kiersh (December 1981). During August 1980 Minnesota revised its Juvenile Justice Statutes. Minnesota joined a dozen other states, who, in the past 4 years, have also passed laws that have made it easier, and sometimes mandatory, to remand juvenile suspects over to adult court for trial. A new sentencing system had been set up administratively in 1978 to handle or to deal with the violent juvenile. Minnesota's new law, the Omnibus Juvenile Justice Act, targets the chronic juvenile property offender and includes three other adjudications for crimes within 2 years of most current arrest. The new law is a start towards integrating juvenile and adult records and is seen as an attempt to narrow the punishment gap between these two groups.

Minnesota has long been a pioneer in progressive social legislation and in community corrections programming. This new law indicates that Minnesota has begun to move toward a more punitive and criminalized juvenile justice system.

Under this new law, fewer juveniles are being committed to institutions. During the past year, few juveniles contest certification as adults. In adult court, they acquire the right to plea bargain. Leniency is shown by the judge and, thus far, only a small percentage of certified offenders have gone to jail or prison.

Approximately 10,000 juveniles are certified as adults each year and the number is likely to increase. While there are still some questions that need to be answered, critics have suggested several measures that would make certification more mechanical. Among these suggestions is a more comprehensive list of waiverable offenses so that the public could be afforded more protection. Another suggestion made is for juvenile court reform so that they can deal effectively with difficult problems of delinquency, otherwise it could be "in danger of annihilation as a separate system of justice."

CANADIAN JOURNAL OF CRIMINOLOGY AND CORRECTIONS

Reviewed by VERNON FOX

"Making the Punishment Fit the Crime: The Case of Imprisonment: The Problems Inherent in the Use of Imprisonment as a Retributive Sanction," by Ezzat A. Fattah (January 1982). Canadians have never defined the aims and purposes of prisons and who should be sent there, which is startling a country that makes excessive use of prisons compared with other Western countries. As a result of the growing valuation of human life, the death penalty has been abolished in many countries and its use has declined. Many people see retribution as the primary function of imprisonment. In a 1968 article, Nils Christie applies economic principles to imprisonment. The value of money increases and decreases with inflation and deflation. When daily existence is characterized by greater security and more leisure, then a lesser deprivation will compensate for the same crime. Christie also has said that in an age of electronics, it would be possible to exercise effective control by radio transmitters implanted in criminal offenders that could tell the monitors where they are at any time, which would be cheaper, more humane, and more effective than imprisonment. There are several implications of changing the value of penal sanctions, such as deterrence and retribution. The effect of deterrence is difficult to measure and research on it is in its infancy. The problems in using imprisonment as retribution are in (1) making the punishment fit the crime, (2) measuring the pains of imprisonment for each individual offender, (3) the functional incompatibility of retribution and rehabilitation, and (4) the functional incompatibility of incarceration and restitution to the victim. At the time imprisonment was adopted as a retributive sanction, it may have been a humanitarian measure compared to the sanctions it replaced, but times have changed. Imprisonment has become the most cruel in the arsenal of punishments. George Bernard Shaw has said that those who inflict it without ever having experienced it cannot believe it to be cruel.

"The Fairness Paradigm: An Evaluation of Change in Juvenile Justice," by Madeline G. Aultman and Kevin N. Wright (January 1982). The change model developed by Kuhn in *The Structure of Scientific Revolutions* forms the basis for analyzing the shifting of the juvenile justice system from the broadly defined treatment role to a more rigid and legal type of institution. In this context, paradigm refers to the currently accepted approach to dealing with problems. The reformative paradigm has existed in the juvenile justice system since its inception in 1899, and the doctrine of *parens patriae* was foremost. The fairness paradigm emerged in two separate but ideologically connected bodies of propositions and perspectives, (1) The Supreme Court of Canada in 1959 in the Gerald Smith case insisted that the procedural safeguards of notice and the opportunity to plea be afforded the juvenile and (2) the United States Supreme Court in the Kent case in 1966 and in the Gault case in 1967 support the proposition that juveniles must be given due process and have the advantage of counsel. Paradigms may begin to appear unsatisfactory because of a failure to provide needed answers. That is what happened to the reformative paradigm. The fairness paradigm does not pretend to have answers but substitutes a different set of concerns. After nearly 100 years of theory and research devoted to the understanding of behavior, the reformative paradigm remains dominant in spite of its inability to provide needed answers and reform.

"Factors Affecting Police Decisions to Take Juveniles to Court," by Anthony N. Doob and Janet B. L. Chan (January 1982). The question as to who among apprehended juveniles should be taken to court has been given considerable attention, with the police being more active in the screening process. Police discretion has been studied in a variety of ways. This study was in a regional municipality in Southern Ontario where all cases of juveniles are handled by the Youth Bureau. Only about 13 percent of apprehended juveniles were taken to court. Included in the sample were 173 juveniles charged between January 1 and August 3, 1976. The records showed that the significant factors in sending the juvenile to court were (1) number of previous contacts, (2) juvenile's "actions" (bad), (3) contacts by other agencies, (4) juvenile's "attitude" (bad), and (5) seriousness of the offense. Each of these factors was studied further in detail. The authors concluded with a reference to a bill to replace the Juvenile Delinquents Act, the bill having had its first reading on February 16, 1981, in which it was stated that alternative measures may be used to deal with a young person alleged to have committed an offense instead of judicial proceedings only if the person considering action is satisfied that they would be appropriate, having regard for the young person and the interests of society.

"A Wilderness Experiential Program as an Alternative for Probationers: An Evaluation," by John Winterdyk and Ronald Roesch (January 1982). There has been a considerable amount of literature on experiential education programs, such as Outward Bound, but there has been little real evaluation. The theories and techniques have been so varied that it is difficult to measure success of "a program." There are about 100 such programs in North America. This study is a 21-day evaluation of A.C.T.I.O.N. (Accepting Challenge Through Interaction with Others and Nature) supported jointly by Experience '79 and the Kitchener, Ontario, Probation Office. The purposes of A.C.T.I.O.N., as designed in 1979, were (1) to improve the participant's self-concept, (2) to develop an improved relationship with his peers through teamwork, (3) to help the boys understand and accept the role of authority figures, (4) to help the boys be more self-reliant, and (5) to offer a recreation program to boys living in an urban area. The sample consisted of 60 adjudicated males between ages 13-16 placed on probation. Four male staff were hired, who were university students ranging in age from 21 to 25. There were pre-tests prior to the 21-day wilderness program using the Jesness Inventory and an adapted Peirs-Harris Self-Esteem Measure and self-report inventories completed by the staff, probation officers, parents, and the juveniles. The post-tests were 4 to 6 months after the experience. The psychometric measures were inconclusive. The self-report questionnaires indicated improvement in self-confidence, better peer relationships, and a reduction in the severity and frequency of delinquency. The results endorse the need for multi-level measures and the need for use of a range of measures. Education represents a partial, tenable solution.

"Evaluation of an Assertiveness Training Program in a Maximum Security Correctional Setting," by Dianne J. Cyr and Paul Bourque (January 1982). Assertiveness training has been used to treat maladaptive and explosive behaviors with nonoffenders and it may be helpful with offenders who have acted inappropriately in a wide variety of situations. Assertiveness training was introduced into a maximum security institution, focusing on three basic elements, (1) learning the skills of appropriate responding, (2) relaxation, and (3) cognitive restructuring to assist the inmate to understand the underlying thought processes. The training consisted of a 2-hour session each week for 8 weeks. The sample was 24 Caucasian adult offenders. They were placed in (1) A Social Skills Group, (2) Individual Counseling Sessions, or (3) A Waiting-List Group to receive assertiveness training in the future, which was really the control group. Pre-tests and post-tests were given, including the Adult Self-Expression Scale, the Assertion Inventory, and the MMPI. While the findings did not confirm the predicted differences between social skills training and individual counseling groups, both treatment groups increased the level of assertiveness over the control group. Social anxiety as measured by the S1 scale on the MMPI showed some reduction. The implementation of assertiveness training in correctional settings deserves continuing attention.

"Doing Security Work: Keeping Order in the Hotel Setting," by Styllianoss Irni and Robert Prus (January 1982). Keeping order in the hotel setting involves learning about trouble, keeping the premises clear of undesirables, responding to trouble in the bar, handling trouble in the rooms, dealing with theft, and deciding to call the police. The literature concentrates on the control and prevention of crime, generally concerning equipment, policing styles, and organizational policies. This study is based on interviews with 28 security officers from seven chain and three independent hotels in two Eastern Canadian cities. Keeping order is concerned with (1) protecting hotel guests, staff, and property and (2) public relations. Trouble in lobbies, bars, hallways, and rooms is characterized by different kinds of trouble. Some women thought to be involved in prostitution may be viewed as "common riff-raff," and may be removed from the lobby, but other better dressed "working girls" present a different problem and may be anywhere in the hotel appearing with varying degrees of "legitimacy." Bar patrons having problems navigating through the lobby or creating some other problems are handled more gently than are the "undesirables." Complaints about noise from a specific room necessitates the security officer to ask them to keep the noise down. Some security guards do not consider drugs to be their problem, while others perceive it as a threat to the hotel's well-being. Many other problems exist, such as room damage, theft on the part of employees, and burglary. Most security guards try to handle the problem without calling the police. Calling outside help results in damage to the hotel's image. This paper illustrates the value of studying occupations from the perspective of its activities.

THE BRITISH JOURNAL OF CRIMINOLOGY

Reviewed by HARRY W. SCHLOETTER

The January 1982 issue has three articles devoted to various aspects of the prison experience. The first of two reviewed, **"The Offense of False and Malicious Allegations By Prisoners," by Graham Zellick, Reader in Law, Queen Mary College, University of London,** deals specifically with the procedures found in the English prison system to handle grievances. The author rightly points out that some prisoners will complain about their treatment because they have nothing better to do. Others may be disturbed or interested in creating disunity and trouble for the authorities. Still others "may even have a genuine grievance." Mr. Zellick states further, "It would be an unusual prison system that generated no legitimate complaints among inmates."

Because of this need and established statutory authority, rules have been devised for the handling of grievances within the system. Prisoners may apply to the governor, to the board of visitors, and its visiting members, to visiting officers of the Secretary of State, and to the Secretary of State himself by petition. However, the rules also recognize the making of complaints in another way, namely, by making it a punishable offense to make a false and malicious allegation against an officer, or repeatedly to make groundless complaints.

The article describes a situation in which a prisoner by the name of Ian alleged that an officer struck him. An official complaint was filed, but the upshot of the entire episode was that the charges were unsubstantiated, and Ian was further punished by being sentenced to 40 days loss of remission—in effect a 6-week prison sentence—and 14 days loss of earnings, privileges and associated work. Ian exercised his right to complain about an aspect of his treatment in prison, and because the charge could not be substantiated, found himself facing a disciplinary charge.

The article further describes the investigatory procedures, censorship and the timing of complaints as well as the outlook for reforms within the system. The whole matter of abolition of these provisions is also discussed. All in all, a worthwhile and informational discussion of an area of prison management not normally given much publicity.

The second article, **"The Private Employer and the Prison Industry,"** by Ernie S. Lightman, Ph.D, Associate Professor, University of Toronto, Faculty of Social Work and Centre for Industrial Relations, describes the problems associated with prison industries. Professor Lightman offers the reader a clear picture of the long history of prison industrial work. For instance in the 19th century in both the United States and Canada, prisoners were viewed primarily as a source of cheap and readily exploitable labor. The notion persisted that the prisoners could contribute to their upkeep by producing shoes and clothing. The role of private contractors and entrepreneurs is also explored in light of the rising importance of organized labor.

The author offers case examples of successful programs. These are informative and chart methods that appear to be workable and productive. The impact on the inmates and incentives to the employer through the use of direct subsidies are also discussed. Professor Lightman suggests that private management of a prison industry is potentially a useful tool in the rehabilitative process, and the private employer may offer various advantages in the operation of a prison industry which may not be available with an institution managed approach.

Your Bookshelf on Review

EDITED BY BENJAMIN FRANK, PH.D

The Criminal Sanction—Its History, Purpose, and Process

Sanctions, Sentencing and Corrections: Law, Policy and Practice. By Nicholas N. Kittrie and Elyce H. Zenoff. Mineola, New York: The Foundation Press, Inc., 1981. Pp. 708. $22.00.

This text discusses criminal sanctions—their origins, their objectives, the procedures for their imposition, and methods for their execution. It provides for a detailed, comprehensive review of the procedures and the actors involved in the sentencing processes. In addition to providing an excellent historical overview of the developments of the justifications for sanctions the authors include selections from court decisions, statutes, administrative regulations, research reports, and criminological writings.

The information contained in this text is essential reading material for every criminal lawyer, criminal justice practitioner, and student in these disciplines. Not only does it provide the theoretical premises behind the various philosophies of sentencing, but it also covers the current procedures and case and statutory laws which affect sentencing decisions. For these reasons it is somewhat of a rare text and it probably should be on the shelf of every law library.

The text reflects extensive research in that it is successful in linking the various sentencing philosophies to sentencing alternatives and proceedings. Its selections and examples are useful and among the more critical elements in the sentencing process. The selections also make the text more interesting to the reader.

The text is divided into 14 chapters, which attempt to wed the three components of criminal sanctions—law, policy, and practice. The text begins with an analysis of the history and development of criminal sanctions. In this context, it reviews and critiques the various objectives of sanctions: deterrence (general and specific), incapacitation, rehabilitation (what works and doesn't work), retribution (Kant's justification, "just deserts" vs. vengence), and restitution. The authors conclude this section with an excerpt from H.M. Hart's essay on the virtue of multiple aims of a criminal code along with a proposed Federal code section on this topic.

The next five chapters discuss the actors of the sentencing process, their roles, procedures and the influences of sentencing decisions. The text provides a good balance of the responsibilities of *all* of the actors involved in sentencing—the legislature, the judge, the jury, the probation officer, the prosecutor, the pardoners, the "experts," and the community. It discusses the historical shift of powers among these various actors and chapter two concludes with the important case decisions on the constitutional limits on sentencing.

Chapter three outlines a very neglected, but crucial stage of the sentencing process, preparing and reviewing the presentence report. It is now apparent that judges must depend on factors, often not brought out in a trial or plea stage, in determining an appropriate and "just" sentence for an offender. Examples of Federal and state presentence reports are outlined, along with the current case laws on disclosure and requirements on presentence reports.

Chapter four discusses the sentencing hearing. It raises the question: Is due process a constitutional requirement at this stage? This issue has yet to be decided, but it is apparent from the more recent case decisions and Federal rules of criminal procedure that the courts are moving in the direction that due process at sentencing is a requirement. This section also looks at the role of the defense counsel, the prosecutor, and the Federal statutory proposal that judges should provide a justification for the sentences they render. Appellate review is mentioned but not in sufficient detail for the important role that this stage can have in the sentencing process.

Chapter five is entitled, "Considering the Offender." What this really means is: What factors should be considered in sentence design of offenders? The ever increasingly important issue of sentencing disparity is analyzed and this topic is carried over into chapter six with the emphasis changing to victims and types of offenders. Chapter seven discusses the juvenile offender.

Chapter eight provides the arguments for and against the death penalty. Chapter nine follows this discussion with the history, incidence, rationale, and conditions of imprisonment. The chapter concludes with court decisions on the rights of prisoners and the meaning of parole.

Chapter 10 includes the historical rationale and development of community corrections and the evolution of sentencing alternatives with an emphasis on probation. It begins its discussion of probation with an excerpt from V. H. Evjen's article, "The Federal Probation System: The Struggle To Achieve It and Its First 25 Years," (An Introduction to the Federal Probation System, Federal Judicial Center, 1976, pp. A-1 and A-7, reprinted from FEDERAL PROBATION, June 1975). It proceeds with the rationale for probation, current law, the practice, and conditions of probation. It concludes with an excerpt from J.D. Kutcher's article, "The Legal Responsibility of Probation Officers in Supervision" (FEDERAL PROBATION, March 1977). The rest of the chapter and chapter 11 discuss other sentencing alternatives, aside from imprisonment and probation. Chapter 11 also provides a brief discussion of the rights of parolees (*Morrissey* v. *Brewer*, 92 S.Ct. 2593 (1972) and *Gagnon* v. *Scarpelli* 93 S.Ct. 1756 (1973)) and ex-offenders.

Chapter 12 is a theoretical exercise of how sentencing could and should be reformed; i.e., what factors should be considered, what should not, guidelines, models, predictions, appellate review, prosecutorial discretion, and the dangers of these various approaches are all critiqued.

Chapter 13 is an academic counterpart to chapter 12, except that it focuses on "correcting corrections." It excerpts various theoretical writings on the subject of "what works" in corrections; but nothing new is offered.

The text concludes with a chapter of practice case studies of individuals. This falls far short of the real situation but at least it is a nice attempt to provide the reader with an opportunity to decide the type of sentence for an offender and to understand the difficulties involved in the sentencing process.

Washington, D.C.

SUSAN D. KRUP

Becoming a Trial Lawyer

Confessions of a Criminal Lawyer. By Seymour Wishman. New York: Times Books, 1981. Pp. 246. $13.50.

Unlike many of my colleagues at the bar, and the Chief Justice of the United States, I don't worry much about the products of the law schools today. I have something of an old-fashioned, perhaps neo-classical view toward legal education, and would change very litle in the curricula of the law schools. Jurisprudence, the poetry of our profession, I would make mandatory, and I am for the most part indifferent toward clinical education, the newest fad on the block. I would though require, in some fashion, law students to spend a certain amount of time thinking, writing, reading, philosophizing, and just generally reflecting on and against the greater question, "What does it mean to be a lawyer?" And, in aid of that task, I would assign the book at hand, *Confessions of a Criminal Lawyer* by Seymour Wishman.

There can almost be said to be two categories of lawyers—those who have worried about the question of what it means to be a lawyer, and those who have never given it a thought. Seymour Wishman has puzzled over it a good deal, and shares much of his feeling about it with us, in an impressive manner. It is a simply marvelous book in that regard. Any lawyer who has ever tried a criminal case will see himself or herself in the book. There will be times when that self-recognition will evoke a reaction of pride and accomplishment. Then there will be times when that same recognition of self will evoke a reaction radically different. Is that me? I fear it may be. Oh, no, it is me. Whatever embarrassment is found there though may be shared with a large group of other readers.

Consider Wishman's gradual awareness of the heavy price he paid over 15 odd years as a criminal trial lawyer for his emotional detachment from the process, his "ability to keep so many things from touching me," in which he took pride. He had adjusted, in an evolutionary and nonconscious fashion to the violence, the inhumanity, the lies, the incompetence, and the brutality:

"It would be false to attribute all these new grievances about myself to some kind of delayed reaction to my work. Obviously much of my personality had been formed before I stepped into law school, and it had been no accident that I had chosen such a career. But what problems I had brought into adult life with me had been exacerbated over the years by the fact that I was a criminal lawyer.

"The constant exposure to so many lies had made me suspicious of people. I had formed the habit of automatically sizing up character and trustworthiness, searching out motives. I had developed a reflex of recalling all inconsistent statements, no matter how trivial. These were good habits for a criminal lawyer—if only they hadn't bled into my personal life."

It is so hackneyed these days to speak of burnout,[1] but I wonder if he is not simply experiencing that phenomenon and allowing us the privilege of reacting to it and adjusting to it with him. I doubt he could write this book and return the next day to the trial courtroom. I hope Wishman took a year off after the Williams child abuse murder trial with which he concludes. He deserved it and needed it.[2]

Much of Seymour Wishman is probably contained in the fact that he was himself tried in a criminal court once, in 1962, when he was 20 years old, the summer before he entered law school. It was not the usual 20-year-old's sophomoric escapade though, not the beer on the boardwalk after curfew, or even the college DUI. No. Wishman found himself in the dock of the People's Court in a small Black Sea Village in the Soviet Union. Part of a U.S.A.-U.S.S.R. Student Exchange Program, Wishman passed out a few too many Bibles and American pamphlets to suit the local Soviet moral majority. The "trial"[3] left its significant motivating and thought-provoking effect on Wishman in law school and later.[4]

Wishman's relationship with the judge for whom he clerked will be recognized by all who have been privileged to spend a year in such a role, and understood poorly by others. As one of the former group, I have long felt[5] that it is at least the practical equivalent of an LLM, and Wishman reflects that feeling himself. I also recall vividly as a law clerk[6] realizing that one can benefit as much, and perhaps more, from watching the truly terrible lawyer stumble through a case as from watching the great craftsmen of the profession, the lawyers' lawyers. With the craftsmen, much is missed by the observer, whether casual or studious, while with the slob, it is all so patent, almost in neon. Both times are encountered, in memorable light, in this little book, which is well written and hard to put down. Wishman though, as lawyer and author, is one of the craftsmen. He has provided us, as Holmes put it, with a sample of his best.

Durham, N.C. JAMES B. CRAVEN III

Avoiding "Fractionalization"

Principles of Law Enforcement: An Overview of the Justice System, 3rd Edition. By Edward Eldefonso, Alan Coffey, and Richard C. Grace. New York: John Wiley and Sons, 1982. Pp. 383. $19.95 (cloth).

One of life's little pleasures is finding a text that does what it promises. Eldefonso, Coffey, and Grace "take the position that criminal justice administration in the United States can succeed only if there is an interdependent relationship among *police, courts and corrections*." The authors further contend that law enforcement education must try to "defractionalize" the components of the justice system. Their resulting text, while oriented primarily toward police, works very hard at explicating the relationships among the various components of the justice system. This change from the first two editions reflects a wider enforcement perspective possibly indicative of emerging professionalism.

Characterized by a positive outlook, the text surveys the justice system with a primary emphasis on enforcement. Because of the introductory nature of the material, discussions are wide-ranging, cover many topics, and are concise. The manner of presentation remains cohesive and should lead the reader to develop a sense of continuity about the justice system. Unlike many other texts, this one does not divide subject matter into "police," "courts," and "corrections" for the overall format. "Fractionalization" is avoided.

Part One (chapters 1-5) deals with the historical development of criminal justice from philosophic, enforcement, court, and corrections perspectives and ends in chapter 5 with a survey of basic theoretical concepts to explain crime. Rightly, a multiple causation framework is suggested.

Part Two (chapters 6-7) discusses administration of justice from arrest through sentencing. The extent of crime is described only with reference to the F.B.I. statistics. Educators will have to supplement this particular discussion with court statistics and victimization survey data. Police roles, the operation of the justice system with respect to criminal procedure and definition of crime, and the role of the courts in setting precedent in both procedural and substantive law are discussed in an understandable and concise manner.

Part Three (chapters 10-15) concerns management, system cohesiveness and personnel. The authors do justice to an exposition of adult and juvenile corrections. A detailed analysis of justice system problems follows. It is handled in an intelligent, straightforward manner in which no stones are cast and no breasts are beaten. The organization of justice system agencies is presented with the aid of basic charts. The criminal justice system is described as a potentially rational sequence of behaviors with definite purpose and mission. It is again enjoyable to find writers willing to attempt a constructive position on this issue. The last chapter in Part Three discusses professional, career, and opportunity perspectives.

Eldefonso, Coffey, and Grace are optimistic about the future of the justice system yet demonstrate a keen awareness of contemporary economic, political, and social realities. Interesting and positive features in the book include annotated references;

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[1] Wishman does not use the term anywhere that I can recall.

[2] The dust jacket reveals that Wishman was a Deputy Assistant to President Carter for a year away from his law practice. It would be interesting to know to what extent he has returned to his former practice.

[3] It is not only chauvinism that makes me put the word in quotation marks.

[4] We see, too, Wishman being influenced or marked, as all of us of a certain generation were, by the execution of the Rosenbergs in 1953. The current that killed them, and shocked the world, indirectly sent many of us to law school.

[5] Fifteen years ex post facto.

[6] It may or may not have been pointed out to me per se.

appendices including police, judicial, and correctional leaders' biographies; and a section on precedent-setting Supreme Court decisions.

The law enforcement officer or layman beginning in criminal justice education is well-served by this overview of the system.

Joliet, Illinois David Struckhoff

A Distinctive System

Social Work and Criminal Law in Scotland. By George Moore and Chris Wood. Aberdeen, Scotland: Aberdeen University Press, 1981. Pp. 208. $19.50.

The most frequently cited fact about Scottish criminal law is the provision of three jury verdicts: guilty, not guilty, and not proven (the latter commonly paraphrased as "We know you did it, we just can't prove it"). Less well known is the country's embarkation, in the Social Work (Scotland) Act of 1968, on a legal experiment which dispensed with juvenile courts and merged probation and social services, so that a social worker's caseload may involve children in need, the aged, handicapped and homeless, as well as probationers and those performing community service. This book is an orientation manual for social workers for whom court duties form only part of their responsibilities.

Of considerable interest is the section on children's hearings, which replaced juvenile courts. The new system has a wide jurisdiction over child offenders and those deemed to be in need of care and protection. The key individual is the reporter (usually a lawyer) who decides whether to forward a referral to the lay three-member children's panel. If he decides to convene a hearing, he requests a social inquiry report from the social work department. While there are provisions for the child and his or her family to refuse to follow through with the referral, there is no right of legal aid, or in the strict sense, legal representation, at the hearing. The principle on which the hearings operate is that of arriving at a decision on the basis of a round table discussion, placing the child offender on the same footing as any other child facing the hearing on welfare-related grounds. Questions of guilt and punishment are not within the frame of reference. The panel has a wide range of alternatives available to it in theory, limited in fact by a severe shortage of social work personnel and resources.

The book does not address the impact of the Act on the social service system. The number of children referred under the new system has been considerably higher than the number of court appearances under the old one. It seemed that many agencies were prepared to refer children to the reporter in the expectation of prompt, sympathetic, and effective action; in fact, the system quickly became overloaded. The police forecast a big increase in juvenile crime as a result of "kid-glove treatment" by the panels. This book includes some details of a consultative memorandum issued by the Secretary of State as it went to press. These proposals represent a radical departure from the philosophy of the Act, by reintroducing the concept of punishment, separation, and fines. So far as offenders are concerned, this is much more in line with juvenile justice models as distinguished from the welfare model which characterized the hearings to date. These proposals may herald an end to an interesting period of social experimentation.

Washington, D.C. Joyce Plotnikoff

An Ethnographic and Medical Study of Chronic Marijuana Use

Cannabis in Costa Rica: A Study of Chronic Marijuana Use. Edited by William E. Carter. Philadelphia, Pennsylvania: Institute for the Study of Human Issues, 1980. Pp. 331. $17.50.

With 16 million regular marijuana users in the United States as of 1977, this book has important implications for health planners, drug abuse prevention and treatment workers, criminal justice professionals, and researchers in the field. Unfortunately and inexplicably the book is late. Earlier publications of the data appeared in 1976 in *Chronic Cannabis Use* (Volume 282 of the *Annals of the New York Academy of Sciences*); but much better late than never.

It is important because it is the most comprehensive and rigorous examination of the effects of long-term marijuana use in a population that were not also users of other drugs (except for alcohol and tobacco) at a time when the society is becoming seriously concerned about such effects. It also corrects most of the methodological faults made in similar studies of Egyptian, Greek, and Jamaican cannabis users and avoids the complication of polydrug use so common in American cannabis studies.

The subjects of this study were traditional urban working class men who smoked marijuana for 17 years, averaging 10 joints per day. The potency of Costa Rican marijuana is comparable to that in common usage in the United States.

A sophisticated anthropological team in tandem with an experienced and professional medical and psychological team studied 84 users and 156 nonusers of equal age, economic and educational levels, marital status, and occupational categories in San Jose, the capital of Costa Rica. From these, over a 30-month period, 41 matched pairs were carefully selected and intensively studied. A comprehensive battery of clinical tests, biomedical studies, and neuropsychological and personality tests were administered to users and nonusers. Along with these tests, thorough ethnographic and sociodemographic comparative analyses were performed.

The results of all these studies produced remarkably few differences between users and nonusers—the same finding as in the Greek and Jamaican studies. Even when the authors broke the users into categories reflecting frequency and duration of use and user life style, the level of marijuana use had little influence on performance in the neuropsychological, intelligence and personality batteries. The absence of clear differences is in marked contrast to the results of neuropsychological research on chronic alcoholics where deficits have been found clearly apparent in many users.

Where differences were found, they were mainly expressions of differences in family structure, socialization, and peer contact, and these differences were related to the necessity of contact with elements of Costa Rican society with whom marijuana use was prevalent. This suggests, of course, the common finding in most United States and cross-cultural studies that habitual cannabis use should be viewed most appropriately as an expression of deviance rather than its cause.

In the light of the current mobilization of parents' groups in the U.S. opposed to any marijuana use, and in the light of the claims of the American Council on Marijuana concerning neuropsychological, pulmonary, testicular, personality and motivational impairment caused by marijuana use, the findings of this book stand in stark contrast. It is also interesting to note that the National Institute on Drug Abuse, the sponsor of this research and the other cross cultural studies, has failed to draw attention to and has largely ignored the conclusion that all these studies reached, viz. after years of chronic marijuana use, few if any deficits attributable to the use of the substance can be found.

Cannabis in Costa Rica is well written, interesting, and graphically illustrates through descriptive life sketches and interwoven dialogue the daily life styles of chronic cannabis users. Except for a few minor faults (e.g., the index could be improved), it is an excellent addition to the literature of drug abuse.

New York City Douglas S. Lipton

Juveniles and the "Delinquent Occasion"

Juvenile Delinquency: Causes, Patterns, and Reactions. By William B. Sanders. New York: Holt, Rinehart and Winston, 1981. Pp. 307.

This book is intended to be a text for the study of juvenile delinquency. The book examines juvenile delinquency primarily from the symbolic interactionist perspective. An extensive review is given on the situational aspects of juvenile delinquency and an entire chapter is devoted to the introduction of the concept of "delinquent occasions." Its usefulness to understand and analyze delinquency and delinquent behavior is suggested and well presented to the reader. This concept is seldom dealt with at any length in textbooks, although Gibbons in his book deals with situational factors in crime causation.

However, I believe that a general introductory textbook should give a wide scale coverage of the field of study which it is supposed to introduce to the students. It has to be taken into consideration that for many students the introductory course is the first systematic encounter with the study of juvenile delinquency and for a part of them it will be also the last one. From this point of view I find this book quite incomplete. The book provides relatively little historical review of juvenile delinquency and the juvenile justice system. Some major theoretical approaches and empirical research works are not covered at all. For instance, the works of Shaw and McKay and others who were dealing with the ecological distribution of juvenile delinquency and the relationship of ecological factors to delinquency, are not mentioned. The concept of "Anomie" which has an important place in the "functionalist" explanations is completely neglected. Matza's and Sykes' thesis that a considerable amount of juvenile delinquency can be seen as an extension of the American subterranean value system is not mentioned. Reckless' containment theory fared similarly. Unexpectedly, even the pioneering work of Tannenbaum who pointed to the phenomenon of the "dramatization of evil" and served as an important source of the labeling approach, is missing. Similarly, there are many omissions in the coverage of juvenile corrections. Many major programs which had theoretical, as well as, practical impacts on the ways in which we handle juvenile offenders are not reviewed (e.g., the Provo Experiment, the Highfields Project, the Community Treatment Project, etc.).

These are only a few examples which underscore the lack of coverage of the field of delinquency by this book.

In conclusion, this book presents mainly the interactionist perspective on juvenile delinquency. It is well written and provides some new and interesting concepts. However, if one is looking for a general juvenile delinquency textbook which presents a representative selection of the various theoretical approaches and research studies available in this field he or she might be disappointed.

California State College DAVID SHICHOR

The Public Defender System: An Alternative Perspective

In Defense of Whom? A Critique of Criminal Justice Reform. By Gregg Barak. Cincinnati: Anderson Publishing Company, 1980.

For those of us in academic criminology and criminal justice who may be seeking alternative viewpoints on crime and justice in America, Barak provides just such a view in this most interesting and well put together critical analysis of the development of the public defender system in the United States.

However, a much larger purpose of this book is Barak's use of the development of the public defender system as a means to explain "liberal" criminal justice reform movements and to "re-examine the criminal justice system and to help clarify and expand the developing ideas of the New Criminology."

In carrying on with the work of Quinney, Platt, Krisberg, the Schwendingers, and Taylor, Walton and Young, Barak examines crime and justice in America from a perspective transcending traditional definitions and institutional arrangements, and instead places "events" in the context of much broader sociopolitical and economic concerns.

Barak's discussion of the evaluation of the legal profession in the context of, and in relation to what is basically referred to as the transition from a "laissez-faire economy" to a society based on monopoly capitalism, places in perspective the development of the public defender system as a reaction to these "macro-legal" changes. These changes include such things as movement in the legal profession from "public" work to the more lucrative confines of corporate law, which in turn places criminal justice concerns in the hands of the incompetent, and as Barak points out, one of the major arguments for public defenders was possibly improving the public's image of the legal profession by eliminating the "shysters" practicing law in the criminal courts.

Barak pinpoints the year 1914 (when the County of Los Angeles established the first office of the public defender) as the beginning of the PDS, although noting that the public defender movement dates back to as early as 1896, with the idea dating back even further. What were the arguments in behalf of the public of the public defender system? Barak states that: "Advocates for the public defender maintained that compared to the Assigned Council System, there were fewer delays, fewer trials with and without juries, and a more efficient processing of criminal defendants due to both a reduction in the use of procedural technicalities and to the centralization and specialization of the public defender's office. Moreover, the increased cooperation and harmony between the district attorney's office and the public defender's office had resulted in more guilty pleas and quicker selection of juries when trials were necessary, thus helping to alleviate the backlog and congestion of overcrowded court dockets."

In the final chapter of the book entitled, "The Equal Justice Ideal: Liberation," Barak rips apart the facade of traditional and even liberal interpretations of the criminal justice system. First, by arguing that in the criminal justice system, defense attorneys for the poor are lawyers who: (a) rank lowest in education, status, power, and skill; (b) do not fulfill the constitutional role of adversary, but instead serve as servants of the state, protecting the class interests of bourgeois legal institutions; (c) have already assumed the guilt of indigent clients; and (d) contribute to the appearance of due process of law while serving the *real* needs of the State. And secondly, by noting that the PDS demands attorneys who are apolitical and status-quo oriented, and that only those who act as agents of the State, not the community they serve, are able to survive, while their clients, fully cognizant of the true allegiance of the public defender, become cynical and distrustful of the entire criminal justice system.

Barak concludes his book with a brief section on the notions of Quinney and what is termed the "struggle for social justice." If critical criminologists offer us anything, it is a challenge not merely to accept definitions and interpretations of crime and criminal justice without viewing those definitions and interpretations in a historical and class-based economic context. Perhaps it is time to examine "the quality of the human condition and justice in America, rather than merely increasing the number of mechanisms by which social injustice is controlled." And that *more* crime control is not necessarily *better* crime control.

Barak's concluding sentence sums up the final chapter rather succinctly:

> ". . . critical criminologist work toward the creation of a society where the need for formal means of social control has been reduced by the institutionalization of laws for the protection of human and public interests rather than private and class interests."

Murray State University KENNETH E. WINKER, JR.

Reports Received

An Analysis of Drugs and Crime Among Arrestees in the District of Columbia. National Institute of Justice, U.S. Department of Justice, Washington, D.C., December 1981. Pp. 22. Published as an executive summary, this report presents an overview of a project jointly sponsored by the National Institute of Justice and the National Institute on Drug Abuse intended to answer questions regarding the frequency and kinds of crime among drug-use arrestees and to what extent treatment for drug abuse affects subsequent criminal behavior.

Children of Incarcerated Parents. Children's Bureau, Department of Health and Human Services, Washington, D.C., 1982. Pp. 37. This is the lead article in *Children Today*, the journal published by the Children's Bureau, Volume 11, Number 1. Another article relevant to corrections is "Day Treatment for Delinquent Youth: An Alternative to Residential Care."

Employment and Crime: A Review of Theories and Research. National Institute of Justice, Washington, D.C., October 1981. Pp. 218. This report contains a review and analysis of the literature on the relationships between employment and crime from several different disciplines: economics, sociology, anthropology, and early manpower program for criminal justice populations.

Imprisonment and the Criminal Justice System in Sweden. National Swedish Council for Crime Prevention, Stockholm, Sweden, December 1981. Pp. 15. In this issue of the Information Bulletin, recent developments relating to changes in the penal code, imprisonment, apprehension, detention, time served in prison, crime statistics, and other aspects of the criminal justice system are summarized.

Jail Alternatives. The Pennsylvania Prison Society, 311 S. Juniper Street, Philadelphia, Pa. 19107, 1981. Pp. 75. This issue of *The Prison Journal* is devoted chiefly to the subject of jails and the problems of overcrowding and possible solutions. In addition to three articles on jail problems, one on a conceptual schema of prison management styles, the journal publishes a position paper on pretrial release adopted by the National Coalition for Jail Reform.

Organized Crime: Guide to the Literature. National Council on Crime and Delinquency, 411 Hackensack Avenue, Hackensack, N.J. 07601, 1981. Pp. 182. Covering the years 1967 to 1981, this annotated bibliography lists the literature on organized crime and includes summaries of documents, books, pamphlets, journal articles, and some unpublished materials. The year 1967 was selected to begin the annotation because it coincided with the establishment of the President's Commission on Law Enforcement and the Administration of Justice.

Probation in Europe. The European Assembly for Probation and After Care. Hertogenbosch, Netherlands, 1981. Pp. 524. Published in English and French, this volume contains extensive descriptions of the organization and administration of probation in 14 European countries. Each chapter, prepared by a representative of the particular country, follows a similar format; a description of police and court system, legal sanctions, and crime statistics; the historical background and present organization of probation, such as agency structure, personnel, and the working methods of the probation system.

Program Plan. National Institute of Justice, U.S. Department of Justice, Washington, D.C., 1982. Pp. 29. Issued as general guide to proposed areas of research emphasis by the National Institute of Justice in fiscal year 1982, this pamphlet contains a summary of the research and program activities for each of the offices and divisions of the Institute, including the police, adjudication, corrections, community crime and prevention, and several others. There is also information on funding mechanisms and opportunities, the review process, and the availability of fellowships.

Violent Crime in the United States. Bureau of Justice Statistics, U.S. Department of Justice, Washington, D.C., September 1981. Pp. 50. This document is listed as report number 4, national indicators system, a briefing book, for informing the President and the White House staff of social, economic, and demographic trends in the United States. In this particular report, current statistics bearing on the problem of violent crime are presented in tabular and graphic forms.

Books Received

Contemporary Criminology. By Leonard D. Savitz and Norman Johnson. New York: John Wiley & Sons, Inc., 1982. Pp. 379. $11.95.

Courts, Prosecution, and Conviction. By Michael McConville and John Baldwin. New York: Oxford University Press, 1981. Pp. 232. $29.95.

Criminal Justice and Drugs: The Unresolved Connection. Edited by James C. Weissman and Robert L. DuPont. Port Washingtron, N.Y.: Kennkat Press Corp., 1982. Pp. 204. $27.50.

Heroin and Politicians: The Failure of Public Policy to Control Addiction in America. By David J. Bellis. Westport, Conn.: Greenwood Press, 1981. Pp. 239. $27.50.

Holistic Approaches to Offender Rehabilitation. Edited by Leonard J. Hippchen. Springfield, Ill.: Charles C. Thomas, Publisher, 1982. Pp. 487. $38.75.

Imprisoned Mothers and Their Children: A Descriptive and Analytical Study. By Zelma Weston Henriques. Lanham, Md.: University Press of America, 1982. Pp. 208. $10.25 (paper).

Juvenile Delinquency, Third Edition. By Martin Haskell and Lewis Yablonsky. Boston: Houghton Mifflin Company, 1982. Pp. 543.

Juvenile Delinquency: A Book of Readings, Fourth Edition. By Rose Giallombardo. New York: John Wiley & Sons, Inc., 1982. Pp. 591. $14.95.

Legal Process and Corrections. By Norman Johnson and Leonard D. Savitz. New York: John Wiley & Sons, Inc., 1982. Pp. 352. $10.95.

Parole: A Critical Analysis. By Gray Cavender. Port Washington, N.Y.: Kennikat Press Corp., 1982. Pp. 109. $16.50.

Principles of Law Enforcement: An Overview of the Justice System, 3rd Edition. By Edward Eldefonso, Alan R. Coffey, Richard C. Grace. New York: John Wiley & Sons, Inc., 1982. Pp. 383. $19.95.

The Problems of Crime in the USSR. By Ilya Zeldes. Springfield, Ill.: Charles C. Thomas, Publisher, 1981. Pp. 140. $16.75.

Sex, Drugs, Death, and the Law: An Essay on Human Rights and Overcriminalization. By David A. J. Richards. Totowa, N.J.: Rowman and Littlefield, 1982. Pp. 316. $26.95.

Transactional Analysis for Police Personnel. By Anne T. Romano. Springfield, Ill.: Charles C. Thomas, Publisher, 1981. Pp. 181. $6.75.

Working Men and Ganja: Marihuana Use in Rural Jamaica. By Melanie Creagan Dreher. Philadelphia: ISHI Publications, 1982. Pp. 216. $18.50.

It Has Come to Our Attention

The number of people confined in state and Federal institutions surpassed 350,000 during the third quarter of last year, the Bureau of Justice Statistics has announced. On September 30, 1981, the inmate population stood at 357,043, which is 8,000 more prisoners than in the previous quarter and 30,000 more than at the beginning of 1981. The Bureau said the growth in prison population during the third quarter of last year was 2.1 percent, down slightly from that of the first two quarters of the year. Nevertheless, during the first 9 months of 1981, the prison population increased at an annual rate in excess of 10 percent, substantially more than the increases that occurred in 1979 and 1980 and surpassed the record annual increase recorded in 1975. All of the third-quarter growth occurred among state institutions. The number of Federal prisoners, 25,726, was virtually unchanged from the previous quarter.

Diana R. Gordon has been elected president of the National Council on Crime and Delinquency, succeeding **Milton G. Rector** who was named president emeritus. Ms. Gordon served as executive vice president of NCCD from 1980 to 1982 and was vice president from 1978 to 1980. From 1973 to 1978, she was director of the Citizens Inquiry on Parole and Criminal Justice. Prior to 1973, Ms. Gordon was a consultant for a number of organizations, including Fund for the City of New York, the New York State Charter Revision Commission, and the Community Service Society. She is a graduate of Harvard Law School.

Judge Robert R. Merhige, of the U.S. District Court for the Eastern District of Virginia, has received the American Judicature Society's Herbert Harley Award. The award, given in recognition of efforts to promote the effective administration of justice, cited "his talent for educating the public about the law and the courts."

About three of five violent crimes are committed by persons who are strangers to their victims, according to a Bureau of Justice Statistics bulletin released April 18. The Bureau, an agency of the U.S. Department of Justice, said the average percentage of violent crimes committed by strangers from 1973 through 1979 was: Total rape, robbery and assault—59 percent; rape—65 percent; robbery—76 percent; aggravated assault—56 percent; simple assault—53 percent. Single copies of the bulletin, "Violent Crime by Strangers," may be obtained by writing the National Criminal Justice Reference Service at Box 6000, Rockville, Md. 20850.

The Office of Juvenile Justice and Delinquency Prevention has selected 17 sites for participation in a $3.8 million program to remove juveniles from adult jails and lockups. "This effort should help local communities establish the workable alternatives to incarceration that Congress envisioned when it approved legislation to abolish mixing juveniles with adults," said **Charles A. Lauer**, the Office's acting director. OJJDP, an agency of the Department of Justice, said about 479,000 juveniles are detained each year in more than 16,000 adult jails and lockups in virtually every state. Often they are subjected to substandard and unconstitutional living conditions, physical and sexual abuse, and have a suicide rate eight times higher than do juveniles confined in separate juvenile detention facilities or in the general youth population, the agency said. The Community Research Center of the University of Illinois at Urbana will coordinate the program. Additional information can be obtained by calling James Brown at the University on 217-333-0443.

Programs for Young Women in Trouble is the title of a booklet prepared by the Office of Juvenile Justice and Delinquency Prevention of the U.S. Department of Justice. The publication outlines successful and innovative national programs to aid in treating female runaways; court referrals; pregnant teenage girls; unwed mothers; rape or incest victims; victims of child abuse; or female teenagers who suffer alcohol or drug abuse problems. It is intended as a guide to those who wish to start similar programs. Copies of the booklet are available on an interlibrary loan basis from the National Criminal Justice Reference Service, Box 6000, Rockville, Md. 20850.

The U.S. Court of Appeals for the Seventh Circuit in Illinois has ruled that an inmate has a right to a parole decision based on the more lenient rules in effect at the time of the crime rather than the more stringent regulations in place when he was sentenced; and the **California Court of Appeal, Third District**, has ruled that an inmate must be judged for parole by current rules, not those in effect at the time of the crime. "Though apparently contradictory," reports NCCD's April 12 *Criminal Justice Newsletter*, "these court rulings on two ex post facto challenges to changes in parole regulations are really quite similar. Two factors controlled the decision in both cases: whether or not substantive changes were made retrospectively, and the necessity to demonstrate that the new rules produced more onerous results than earlier regulations." The newsletter then proceeds to discuss each case in detail.

The American Probation and Parole Association and the Probation Association of New Jersey are jointly sponsoring their Annual Probation and Parole Institute focusing on probation resources, practices, and service delivery now and in the future. The Institute, to be held October 3 to 6 at the Cherry Hill Inn, Cherry Hill, N.J., will have as its theme, "Probation and Parole: Practices, Promises, and Pitfalls." For futher information contact Norman Helber or Alex Carson, Gloucester County Probation Department, P.O. Box 638, Woodbury, N.J. 08096.

Delbert C. Jackson, 52, director of the District of Columbia Department of Corrections, died March 10 of complications following surgery. A graduate of West Virginia Institute of Technology, he joined the Department in 1954 and worked his way to the directorship in 1973. D.C. Mayor Barry said Mr. Jackson "provided strong leadership" in developing "an effective system for working with correctional residents" and providing "a strong and active volunteer and community-support program for the Department."

The Federal Prison System dedicated its new Metropolitan Correctional Center at Tucson, Arizona, on April 3. The Institution will have a staff of 65 and will accommodate 200 offenders, most of whom will be Federal detainees awaiting trial in the U.S. District Court in Tucson. The remainder will be offenders serving short sentences. Completion of the Tucson facility brings to 43 the number of Federal correctional institutions, with a total inmate population of more than 28,000.

Women have made major gains on the Nation's police forces in the last 10 years, according to a federally financed study by the Police Foundation. During the 1970's there was an eightfold increase in the use of women on patrol, an area in which few women were allowed to serve. Many police departments have eliminated traditional recruiting barriers, such as height, that once kept them from hiring women. This is attributed to passage in 1972 of the Federal Equal Opportunity Act. "A Progress Report on Women in Policing" is available at $10.00 per copy from the Communications Department, Police Foundation, 1909 K Street, N.W., Suite 400, Washington, D.C. 20006.

The sixth National Health Conference on Medical Care and Health Services in Correctional Institutions—endorsed by the American Medical Association—will be held in Chicago October 7 to 9. For information on Conference registration or the Call for Papers, write: Sixth National Conference, American Health Care Consultants, 333 E. Ontario Street, 2902B, Chicago, Ill. 60611.

Friends, relatives, or neighbors who aided crime victims either emotionally, physically, or financially suffered a very high rate of secondary or indirect victimization themselves, according to a study released March 21 by the National Institute of Justice. The study, "Victims and Helpers: Reactions to Crime," said 80 percent of the supporters suffered many of the psychological responses (increased fear and anxiety) as the victims. The complete study has not yet been published, but draft copies of the executive summary are available on interlibrary loan from the National Criminal Justice Reference Service, Box 6000, Rockville, Md. 20850.

Used appropriately, the internal grievance mechanisms for handling inmates' problems in prisons "can benefit the prison administration as well as the prisoners," reports Samuel Jan Brakel in the current (No. 1) issue of the 1982 *American Bar Foundation Research Journal*. "Not merely another superfluous 'right,'" he adds, "it may even help stem the flow of frivolous rights and claims with which prisoners presently flood the courts." In "Administrative Justice in the Penitentiary: A Report on Inmate Grievance Procedures," Brakel, a research attorney at the Foundation, discusses what he found at two very different types of penitentiaries in Illinois—Vienna Correctional Center, a minimum security facility in southern Illinois, and Stateville Correctional Center, a maximum security institution near Joliet, just outside of Chicago. The American Bar Foundation is located at 1155 E. 60th Street, Chicago, Ill. 60637.

Illinois State University's Department of Corrections has changed its name to the Department of Criminal Justice Sciences. In the past 3 years, ISU's department has added law enforcement courses and law enforcement faculty, and complementary courses in political science, thus broadening the program. According to Chairperson Robert Culbertson, the new department title more accurately reflects the focus of the program.

The Society for Police and Criminal Psychology announces its call for papers for its annual meeting in Nashville in late October of this year. The deadline for a two-page abstract is August 1, 1982. Send abstracts to: Ed Shaffer, President Elect, 3033 July, Apt. 213, Baton Rouge, La. 70808.

The Law Enforcement Assistance Administration terminated on April 15 and all continuing functions were transferred to the Office of Justice Assistance, Research, and Statistics. From 1969 through 1980, LEAA's appropriation was $7.7 billion.

The number of police officers for each reported violent crime fell from 3.32 in 1948 to 0.5 in 1978, according to a Northwestern University study of crime in America done for the National Institute of Justice in the U.S. Department of Justice. The study, which took 3½ years, included 396 cities—every city in the Nation with more than 50,000 inhabitants. It showed that while there was a four-fold increase in crime, there was only a two-fold increase in crime-fighting resources. For the 31-year post war period, dramatic crime rises appeared in virtually every city in the United States, it said. In cities of 100,000 to 250,000 population, violent crime rates rose from an average of 1.0 per 1,000 population in 1948 to 6.6 per 1,000 in 1978. Property crimes rose from 16.3 per 1,000 in 1948 to 69 per 1,000 in 1978. Copies of the executive summary, "Governmental Responses to Crime," are available from the National Criminal Justice Reference Service, Box 6000, Rockville, Md. 20850.

Alternative sentencing or part-time imprisonment is discriminatory, according to Judge Henry Bramwell of the U.S. District Court for the Eastern District of New York. In the January 1982 issue of the *Brooklyn Barrister* he states that the poor and the minority defendant cannot believe the criminal justice system to be fair or just when he sees the middle class defendant being given the benefit of an alternative sentence or part-time imprisonment, largely because he is nonviolent, a person of good reputation in his community, and considered not to be a danger to his community. The poor and the minority defendant is usually one who has committed a violent crime, is without means and has little or no recognition in his community, he maintains. "As a result," he adds, "the middle class defendant gets alternative sentencing or part-time imprisonment, usually without incarceration and the poor and minority defendant gets a heavy jail term with incarceration. This certainly is not justice," he affirms.

INSLAW, Inc., announced in March that the company and the U.S. Department of Justice had signed a contract under which INSLAW will install versions of its PROMIS case management software in all 94 U.S. attorneys' offices throughout the United States. The contract, awarded in competitive bidding, is for approximately $9.9 million over a 3-year period. The Attorney General's office has designated the automation of Federal debt collection, and recordkeeping and litigation management of the offices of U.S. attorneys, as two of the urgent priorities of the Department. This contract is thought to be the largest of its type ever awarded by the Justice Department. INSLAW is headquartered in Washington, D.C., with computer facilities, in Lanham, Md., and a European office in Dublin, Ireland. The company develops and markets case management software for full licensing inhouse or for timesharing. The company also performs research and analysis in major areas of the American legal system. In addition to its system use sites in the U.S., INSLAW is currently marketing and implementing its software in Canada, Australia, Ireland, the United Kingdom, Italy, and other countries of Europe and the Mid and Far East.

On April 2, President Reagan signed the Federal Courts Improvement Act of 1982, now Public Law 97-164, which will take effect October 1, 1982. The bulk of the 34-page act consolidates the Court of Claims and Court of Customs and Patent Appeals into a 13th circuit court, the 12-judge United States Court of Appeals for the Federal Circuit, and a 16-judge, Article 1 United States Claims Court. It also makes technical and conforming amendments pursuant to that change. The act also serves as a vessel for numerous important administrative and housekeeping changes, unrelated to the creation of the new courts. Many of the changes—such as a limitation on chief judges' tenure and a new basis for calculating interest on money judgments—have been on the legislative agenda for at least several years.

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On the Presentence Investigation .... Yona Cohn

Class of '63: Career Patterns of Federal Prison Correctional Officers Who Entered Service During 1963 .... *[illegible]*

SEPTEMBER 1982

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All phases of preventive and correctional activities in delinquency and crime come within the fields of interest of FEDERAL PROBATION. The Quarterly wishes to share with its readers all constructively worthwhile points of view and welcomes the contributions of those engaged in the study of juvenile and adult offenders. Federal, state, and local organizations, institutions, and agencies—both public and private—are invited to submit any significant experience and findings related to the prevention and control of delinquency and crime.

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VOLUME XXXXVI SEPTEMBER 1982 NUMBER 3

This Issue in Brief

Homicides Related to Drug Trafficking.—Homicides as a result of business disputes in the distribution of illegal drugs appears as a new subtype of homicide in the United States, report authors Heffernan, Martin, and Romano. In this exploratory study of 50 homicides in one police precinct in New York City noted for its high level of drug dealing, 42 percent were found to be "drug-related." When compared with non-drug-related homicides in the same precinct, the "drug-related" more often involved firearms and younger, male victims.

Management Theory Z: Implications for Correctional Survival Management.—Increased workload and decreased budgets are realities facing correctional management during the remainder of the 1980's, asserts Dr. William G. Archambeault of Louisiana State University at Baton Rouge. This means that fewer employees must be motivated to produce more and higher quality services. Faced with a similar dilemma, American business and industry have "discovered" Theory Z management and have demonstrated its pragmatic value. This article analyzes the utility of Theory Z in correctional organizations and outlines the steps necessary to implement this approach.

Making Criminals Pay: A Plan for Restitution by Sentencing Commissions.—Attorney Frederic R. Kellogg writes that the recent controversy over the insanity defense has focused public doubt over the criminal justice system. It highlights the need not for further tinkering but for wholesale reform. This recent proposal would classify offenses according to harm and enforce restitution in every case. It would sweep away the entire uncoordinated panoply of postconviction proceedings and replace them with a well-staffed sentencing commission of experienced trial judges whose assignment would be to assess the harm done by the offender and collect judgment to repay the victim and the state.

Information Processing in a Probation Office: The Southern District of Georgia Experience.—Chief Probation Officer Jerry P. Morgan believes there is a place for word/information processing in the probation office. In establishing a system in the Southern District of Georgia, local sentence comparison became the first project followed by

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active case information. These were followed in a natural sequence by management information outputs, then the use of the word processing capabilities to conserve personnel resources.

Juvenile Correctional Institutions: A Policy Statement.—Training Schools have been accused of being violent, inhumane, criminogenic, and prohibitively expensive. However, several noteworthy changes were made in the mid- and late-1970's. Faced with the increased use of juvenile institutions at the present time, further improvements of juvenile correctional institutions are a particularly important objective, shared by policymakers and practitioners alike. Professors Bartollas and Sieverdes propose a number of changes in these end-of-the-line institutions.

Learning Disabilities and Juvenile Delinquents.—Professors Cellini and Snowman review and discuss the pertinent studies and information on the possible relationship between learning disabilities (LD) and juvenile delinquency (JD). They discuss the concept of learning disabilities, the relationship of LD's to JD's, and remediation programs presently in operation and possible treatment strategies.

A Social Learning Theory Model for Reduction of Correctional Officer Stress.—Authors Stalgaitis, Meyers, and Krisak focus on the issue of stress for correctional officers. Numerous situational stressors, stress reactions, and stress reduction strategies currently being used by correctional officers are outlined. Suggestions are made for a multifaceted social learning theory treatment program to reduce stress for correctional officers.

Fire Safety in Jails: Planning for Emergencies.—Professor N.E. Schafer of Indiana University writes that jails are the correctional institutions most vulnerable to serious and even fatal fires. When fire prevention should receive highest priority, he emphasizes that specific planning for fire emergencies is essential in all institutions where movement is restricted. The safety of staff and inmates is of primary concern.

On the Presentence Investigation.—Dr. Yona Cohn of Bar-Ilan University, Ramat-Gan, Israel, presents a helpful discussion of various phases of the presentence investigation: aspects of the offender's life to be investigated; conducting the investigation; interviewing; and making the recommendation. The presentence report, he concludes, is an instrument for the promotion of individualized sentencing by the court.

Class of '63.—This report by Research Analyst Loren Karacki provides career information on correctional officers who joined the Federal Prison System in 1963. Among 200 new recruits, 130 successfully completed the probationary year and 72 were still employed by the Federal Prison System as of June 30, 1980. Twenty-eight remained in custodial positions while 44 had moved into other positions such as in case management. Their average salary was almost five times their starting salary.

All the articles appearing in this magazine are regarded as appropriate expressions of ideas worthy of thought but their publication is not to be taken as an endorsement by the editors or the Federal probation office of the views set forth. The editors may or may not agree with the articles appearing in the magazine, but believe them in any case to be deserving of consideration.

Homicides Related to Drug Trafficking

BY RONALD HEFFERNAN, JOHN M. MARTIN, AND ANNE T. ROMANO*

HOMICIDE is one of the most serious of crimes. From the earliest of times this crime has received extensive attention from the public, the press, the police and the courts, legislators, criminologists, and a variety of others. Recent trends show an increase in the amount of homicide in the Nation.[1] This article presents a study of one aspect of that increase.

"Drug-Related" Homicides

The purpose of this article is to refine our understanding of homicide by conceptualizing in a new way what appears to be a major and increasingly widespread subtype of homicide—i.e., homicide as an aspect of drug trafficking systems. From this examination of homicide, a new explanation emerges regarding the recent national increase in homicides. This increase may be brought about by several forces, one of the most significant being the increase in the number of homicides related to drug trafficking. The purpose here is to assess on a limited, exploratory, but empirical basis whether a significant number of "drug-related" homicides do exist, and whether there appears to be a major difference between them and other homicides.

To date there has been very little, if any, research that examines the phenomenon of "drug-related" homicides understood as an aspect of the illegal drug trafficking business. Most research studies of homicide have concentrated on murders that are outbursts of emotional pressures, the consequence of psychotic episodes, or sometimes vindictive killings. Sociologists particularly have emphasized the situational aspects of homicides, e.g., in the identification of an unintentional killing during a barroom fight.

The scientific literature on homicide is extensive. It contains innumerable case studies of offenders and an array of statistical investigations. Many hypotheses have been formulated, tested, and proven significantly to contribute in varying degrees, either positively or negatively to the problem of criminal homicide. The present literature presents classic psychiatric interpretations, and, more recently, interactional patterns involving such episodes as "victim-precipitated" homicides.[2] Other literature emphasizes the syndrome of love triangle killings, felony homicides, arson homicides, vehicular homicides and others. However, the literature is virtually barren on the topic of "drug-related" homicides as an aspect of drug trafficking systems.

Murder as an aspect of organized crime has long been recognized in the United States, Sicily, Latin America, and several other areas of the globe. It appears that many of the motives associated with organized crime homicides are the same as those associated with "drug-related" homicides. Unlike the nonprofessional killing, which is often committed because of passion, the organized crime homicide is usually a well calculated, rational, businesslike decision that insures its success. The victim is dead, "but for certain."[3] But the precise distinction between organized crime homicides and what are here called "drug-related" homicides is not exactly clear at this point. From press reports from such cities as Miami, San Juan, and New York City, the recent outbreak of "drug-related" homicides seems to involve far more killings than organized crime homicides ever did. On the other hand, if drug trafficking is considered as one of the many facets of organized crime, then homicides related to such trafficking may be considered as a type of organized crime activity.

Basic Definitions

Homicide—the unlawful killing of another with malice aforethought expressed or implied. Deaths recorded as being accidental, excusable, justifiable, or suicidal are not included. (However, homicide is the overall definition and for the purpose of this article, "drug-related" homicides need to be distinguished from the overall definition.)

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*Ronald Heffernan is detective sergeant, New York City Police Department; John M. Martin is professor of sociology, Fordham University; Anne T. Romano is a doctoral candidate in sociology, Fordham University.

[1] From 1976 through 1980, the homicide rate per 100,000 in the United States increased by 16 percent, while the total number of homicides increased by 23 percent. *Uniform Crime Reports*, 1980, U.S. Department of Justice, Federal Bureau of Investigation, p. 6.

[2] Walter Bromberg, *Crime and the Mind*. Philadelphia: J.B. Lippincott, 1948, represents a classic example of the psychiatric interpretation of homicides and other violent crimes. For an excellent recent summary of the major sociological studies of homicides see Don C. Gibbons, *Society, Crime, and Criminal Behavior*, Fourth Edition, Englewood Cliffs, New Jersey: Prentice Hall Inc., 1982, pp. 273-279.

[3] Perhaps the best fictional account of organized crime murders is to be found in Mario Puzo, *The Godfather*, G.P. Putnam's Sons, New York: 1969. For a factual account of organized crime murders, see Burton B. Turkus, *Murder, Inc.*, New York: Farrar, Straus, and Young, 1951.

"Drug-Related" Homicide—includes all homicides where persons are killed as a direct result of business disputes in the distribution of illegal drugs. This will also include any innocent victims who are killed accidently during the confrontations. (For example, in a very recent case in New York City, as a result of a dispute over drugs one individual fired a Thompson submachine gun at another. Besides killing his intended victim he also killed another dealer and wounded three customers. For the purpose of this article all of the above homicides would be counted as "drug-related" homicides.)

Not included in this definition would be those homicides by drug users not directly related to drug distribution. An example would be the mugging victim who is killed by the addict trying to get money to buy drugs.

In order to distinguish operationally "drug-related" homicides from other homicides, it was necessary, during the course of the study reported below, to formulate a checklist of items which would identify a homicide as being "drug-related." The items cited in the list were not defined as being of equal weight or value. The list was developed by the first author of this article based on his extensive experience in the investigation of narcotic cases and homicide cases. The list is not definitive, but is subject to additions and other modifications as more empirical experience is gained in identifying this type of homicide. The checklist follows:

> (1) Deceased had prior drug arrests; (2) perpetrator has prior drug arrests; (3) illegal drugs or paraphernalia are found at the scene; (4) perpetrator acknowledges it was "drug-related"; (5) victim acknowledged before he died that it was "drug-related"; (6) witnesses believe it was "drug-related"; (7) family of victim believe it was "drug-related"; (8) friends of victim believe it was "drug-related"; (9) informant information states it was "drug-related"; (10) victim had drugs in his system; (11) large unexplained sums of money in possession of victim; (12) large unexplained sums of money in possession of perpetrator; (13) victim was a police narcotic informer; (14) victim had no prior drug arrest record but is listed in police narcotic files as being drug dealer; (15) perpetrator has no prior drug record but is listed in police narcotic files as being a drug dealer; (16) no other apparent motive.

This checklist was initially discussed with the homicide detectives responsible for the investigation of the cases reviewed in the present study who agreed with the list and its purpose. Later, the checklist items were reviewed with other homicide investigators in the New York City Police Department who agreed that the presence of any *four* of these items would almost certainly identify a homicide as "drug-related." This was the operational definition of "drug-related" homicide used in this study. The application of this definition to a given series of homicide cases may underestimate the actual number of "drug-related" homicides in the series, since in given cases insufficient information may be available to permit the determination of the presence or absence of various items—e.g., where the perpetrator is not identified.

Drug Trafficking Systems and Hired Killers

In focusing on that which is of central importance within this area of concern, it is necessary to specify delimitations of inquiry. It will not be possible here, for example, to determine relationships between a "drug-related" homicide and any one particular drug, but only relationships concerning illegal drug trafficking in general. This is due not only to the fact that the data are not presently available, but also because most drug distributors operating in the police precinct where this study was conducted deal in a variety of drugs (marijuana, heroin, cocaine, pills, etc.) depending upon what drugs are available at the time.

For similar reasons it will not be possible to distinguish precisely what level of the drug trafficking system is involved in a particular homicide studied. It should be noted, however, that the distribution of narcotics is like a long vertical chain. From time it is brought to the marketplace in multi-kilo quantities, until the time it is sold to the individual user on the street, it passes through many hands. Each link of this chain, each transaction has the potential of resulting in a homicide. The only thing that changes in each link of the distribution chain is the size and the value of the package involved. For example, on the lower level, the package is smaller and may involve several glassine envelopes with a total value of $50. Escalating up the chain at the kilo level, the total value of each kilo may be $50,000. However, at any level, the total value may be different but the motive of the "drug-related" homicide would be the same. And, although the motives are similar, the way the actual homicide is committed may vary. More specifically, as one moves up the chain, the homicide becomes more and more professionally executed. In addition, the apprehension rate of the perpetrator decreases as the professionalism of the killing increases.

The cost and professionalism is functionally related to the level of the chain at which the killing occurs. For example, at the lower level of the chain a "hit" might be carried out at the cost of a couple of hundred dollars worth of narcotics. In contrast, at the upper level of the chain the "hit" could go for as high as $10,000. This is usually for successful "hits." The fee is paid on completion of the contract. Explicitly understood in the contract is that if the killer is apprehended, he does not "give up," that is inform on the person who hired him. If he does, he becomes the subject of a future contract.[4]

The Present Study

The empirical research reported in this article was conducted in New York City during 1981.[5] More specifically, the research was conducted in the 46th Police Precinct in the borough of the Bronx, a section of the city which has been undergoing rapid and increasingly acute social and physical changes since the early 1950's. The 46th Precinct geographically is situated in the central Bronx on the western edge of the borough along the Harlem River, which divides the Bronx from the borough of Manhattan.[6]

The 46th Precinct is heavily populated by low income groups, mostly blacks and various kinds of Hispanics including Puerto Ricans and recent Cuban "boat-people." Very few whites reside in the area. It is a rapidly changing population heavily involved in crime and drug abuse. Along the main avenue (Grand Concourse) running North and South through the area are transient hotels and single occupancy rooming houses. Drug trafficking in the precinct has become an increasingly difficult law enforcement problem in recent years.

The following three case vignettes drawn from different parts of New York City illustrate the type of homicide with which this article is concerned.

Case 1

Witnesses saw the suspect wanted in the six latest killings in the "Colombian Connection" cocaine war pull up to the parked Mercedes-Benz and unleash a series of blasts from a pump shotgun and a 9 mm. automatic. The Hispanic adult, male victim, his Hispanic common-law wife, and their two children, age 18 months and 4 months, were found dead of multiple gun shot wounds. When the police searched the victims' apartment, they found 140 pounds of cocaine and nearly $1 million in cash. Information gathered led the police to search another apartment. There they found two adult, male Columbian nationals who had been executed at least 24 hours earlier. Information disclosed that the suspect wanted in the Mercedes-Benz killings had been seen visiting the premises. Both victims were shot at point blank range with their hands bound behind their backs.

Case 2

In another territorial dispute a meeting was arranged between two Rastafarian[7] dealers who were arguing over control of a certain "cheeba spot."[8] When the one dealer was unable to persuade the other into his way of thinking, he calmly pulled out a 9 mm. Browning automatic and shot the male, 30-year-old victim five times, thus settling the argument.

Case 3

A male Hispanic, age 23 years old, and heavily involved in drug selling, was found in the middle of a busy intersection at approximately 5:00 a.m. with three bullet wounds, one in the stomach and two in the back of the head. The motive of robbery was eliminated because of the presence of cash and jewelry. Information from a confidential source revealed that the deceased had previously given information relative to other narcotic dealers in the area to the police. The victim had been a professional "hit." The job was neatly and cleanly done with no suspects ever identified.

Study Locale

New York City consists of five boroughs: Manhattan, Brooklyn, Queens, Staten Island, and the Bronx. The five boroughs are subdivided into 73 police precincts, 11 of which are in the Bronx. There were 1,826 homicides in New York City in 1981. This was the highest number of homicides recorded in one year in the City's history.

Table 1 describes the rank of the top ten homicide precincts in New York City for the years 1977 through 1981 with the place in rank of the 46th Precinct in which this study was conducted. In 1977 the 46th Precinct ranked 10th in the city;

TABLE 1.—*The Top Ten Homicide Precincts in New York City in Rank Order by Year, 1977-1981**

Rank Order	1977	1978	1979	1980	1981 (first 6 months)
1.	28	32	90	77	44
2.	32	44	77	28	32
3.	44	28	44	32	90
4.	25	40	25	75	34
5.	48	24	48	44	75
6.	41	46	69	46	30
7.	24	71	46	25	46
8.	42	75	43	24	71
9.	79	77	68	48	77
10.	46	41	114	67	28

*Source: New York City Police Department in 1978 it ranked 6th; in 1979 it ranked 7th; in 1980 it ranked 6th; and in the first 6 months of 1981, the 46th Precinct ranked 7th.

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[4] One of the earliest references to what in this article are called "drug-related" homicides is found in Joseph P. Fitzpatrick, "Drugs, Alcohol, and Violent Crime," *Addictive Diseases: An International Publication* 1:3 (1974) pp. 353-367.

[5] The principal author of this article examined all of the records of each of these homicides to determine the presence of drug-related indicators. He personally investigated a number of the cases as part of his job.

[6] For a history of the Bronx and how it has changed since 1800, see *The Analysis of Delinquent Behavior: A Structural Approach*. John M. Martin, Joseph P. Fitzpatrick, Robert E. Gould, M.D., New York: Random House, 1970. Chapter 3.

[7] Rastafarians are members of a religious sect indigenous to Jamaica, members of which have increasingly immigrated to New York City during the past decade. The value system of the sect articulates around the growing, distribution, and use of marijuana, both in Jamaica and in New York City. For true Rastafarians, the smoking of marijuana (ganja) is a fundamental religious experience. One of the problems of answering the question of who is a Rastafarian in New York City, is that an unknown number of American Blacks and others endeavor to pass as true members of the sect. In dealing with suspects, the attitude of the police in New York City toward Rastafarians is that they are considered to be heavily armed and extremely dangerous.

[8] "Cheeba Spot" is an apartment which is used exclusively for the distribution of marijuana by Rastafarians. The windows and doors are heavily fortified to prevent any unauthorized entrance including that of the police. The money and the marijuana are passed through a slot in the door.

Examination of the above table indicates that the 46th Precinct is one of the few that remains in the top ten list for the 5-year period while most of the others fall out or are added into the top ten during the same period. Thus, the 46th Precinct for the 5-year period was consistently a high homicide precinct.

In the 46th Precinct, for the first 9 months of 1981, there were a total of 50 homicides. In applying the aforementioned checklist, this group of 50 was broken down into two categories: 21 or 42 percent were "drug-related" and 29 or 58 percent were nondrug-related.

In plotting these 50 homicides on the street map of the 46th Precinct, it was found that the 21 "drug-related" homicides were clustered in a northern section within an area in which the parameters were 7 blocks by 5 blocks where heavy drug dealing in the precinct is concentrated. Whereas, the 29 nondrug-related homicides were scattered randomly over the total precinct.

Weapons Used

An examination of weapons used in the commission of homicides in New York City since 1977, shows that a majority involved firearms. That is, between 50-60 percent of the homicides in those years were committed with firearms, while 25-30 percent involved knives or other sharp instruments. The remaining homicides involved physical assault by other means, such as strangulation, arson, physical beatings, or by getting thrown off a roof.

During the first 9 months of 1981 in the 46th Precinct, 70 percent of the homicides involved firearms, 10 percent involved knives, and 20 percent involved other physical assaults. In examining the 21 "drug-related" homicides in the 46th Precinct, it is noted that all of them involved firearms, whereas of the 29 nondrug-related homicides, 50 percent involved firearms, 18 percent involved knives, and 32 percent involved other physical assaults. Thus, "drug-related" homicides were distinguished from nondrug-related homicides in that all were committed with firearms. It should also be noted that the firearms used in these 21 killings were "decent guns," that is, a quality gun as opposed to what is commonly referred to as a "Saturday-night special."

Sex and Age Distribution

In 1980, the last full year for which sex differences were available, of the 1,547 homicides in New York City, 85 percent involved male victims and 15 percent involved female victims. In the 46th Precinct during the first 9 months of 1981, of the 50 homicide victims, 80 percent were male and 20 percent were female, a distribution very similar to the distribution for the entire city for 1980. However, when the 21 "drug-related" homicides were distinguished from the 29 nondrug-related homicides in the 46th Precinct, 95 percent of the "drug-related" were male and only 5 percent were female, while 60 percent in the nondrug-related category were male and 40 percent were female. To clarify further: Of the 21 "drug-related" victims, 20 were male and 1 was female; of the 29 nondrug-related cases, 20 were male and 9 were female. Thus, "drug-related" homicides seem to be sharply distinguished from both homicides in general and nondrug-related homicides in terms of their sex distribution. Table 2 gives the age distributions of both the "drug-related" and the nondrug-related homicides.

TABLE 2.—*Age of "Drug-Related" and Nondrug-Related Victims*

Years	"Drug-Related"	Nondrug-Related
Under 16	0	2
16 - 25	7) 95%	11) 59%
26 - 35	13)	6)
36 - 45	1	2
46 - 55	0	4
56 - 65	0	3
Unknown	0	1
	21	29

It is significant to note in table 2, that of the 29 nondrug-related cases 17 (59%) were between the ages 16-35 years; whereas of the 21 "drug-related" cases, 20 (95%) of the victims were between the ages 16-35 years.

As of the date of the research done for this article, fall 1981, of the 50 homicides, the perpetrators were known or were arrested in 25 cases. Of these, 11 were involved in "drug-related" cases and 14 were nondrug-related cases. However, not enough specific personal data were available in reference to sex and age to make any meaningful comparisons.

Conclusion

This study identifies a new and important category of homicide heretofore virtually not discussed in the research literature or identified as a significant law enforcement problem. If the research results presented in this article can be verified through a larger study of homicide in New York City, and further verified through a study of homicide in selected cities of the Nation, then "drug-related" homicides will be identified as a major subtype of homicide in the Nation. Furthermore, where a high incidence of homicide occurs in urban areas, there may also be found a high incidence of narcotics trafficking. The two appear to vary together.

In law enforcement policy terms, if these findings are further verified, it may mean that by effectively reducing drug trafficking, the overall homicide rate will also be effectively reduced. "Drug-related" homicide seems to be a byproduct of the endemic violence inherent in drug trafficking systems and should be understood within that context.

Lastly, one of the main advantages for police departments across the country, of distinguishing between "drug-related" homicides and nondrug-related homicides emerges in the area of community relations. On the last day of 1981, one newspaper in the New York City area had a glaring headline, "Murder City, U.S.A.," in reference to the large number of homicides committed in New York City in 1981, again keeping it one of the top homicide cities in the country. One can only imagine the amount of anxiety and fear that the average citizen felt upon reading that headline, and even further, the amount of anger and disgust directed towards the police for what the public perceives to be ineffective protection. What is not known or understood by the average citizen, is that a large number of the homicides cited in overall homicide statistics are in fact "drug-related" business matters, and not the wanton killing of law-abiding citizens.

Separating and reporting overall homicide statistics into two categories, "drug-related," and nondrug-related, would not only reduce the amount of fear and anxiety in the average law-abiding citizen, but would also perhaps serve to increase his confidence in the effectiveness of the local police.

Management Theory Z: Implications for Correctional Survival Management

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IN THE PRESENT era of economic recession, budget cuts, reduced manpower, residual Proposition 13 fever among the taxpaying public, and the continued prospect of operating at or near capacity, American corrections must learn to manage limited resources more efficiently if it is to survive. American business is already starting to develop its own survival management model based on the study of Japanese management techniques which may provide American corrections with a framework for developing its own survival management model.

Slightly more than four decades ago, Mitsubishi Heavy Industries, Ltd., of Japan reforged American scrap metal and discarded aeronautical technology into the light weight, efficient, and now famous fighter plane, the Zero. Today, Japanese business and industry have reforged American management technology into another kind of light and efficient Z-fighter—Management Theory Z. Experts credit this Z with making it possible for Japanese industry to outpace and business to outsell American counterparts.

Management Theory Z is currently being exported back to the United States as an approach which offers to save the American business, industry, and economy. Major U.S. corporations—including GM, Rockwell International, Eli Lilly, among others[1]—are investing hundreds of thousands of dollars researching and training management in Z theory. Ironically, top Japanese executives candidly admit that they simply adopted American management technology to their own cultural and social values.[2]

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[1] William G. Ouchi, *Theory Z: How American Business Can Meet the Japanese Challenge*, (New York: Avon, 1982), p. 184.

The success of the Z-Theory lies in its ability to motivate workers—both Japanese and American—to achieve higher levels of productivity and to engender a higher level of personal commitment to the organization, as compared to more bureaucratic types of organizations. Z-theory organizations tend to be more flexible in adjusting to changing economic and business conditions, more cost-effective, require fewer numbers of employees to accomplish similar jobs. The success of this approach in American settings places the issue of increasing productivity squarely on differences in traditional American management style, rather than on the quality of the American worker.[3]

This article examines some of the basic tenets of Theory Z and their application to correctional management.

Understanding Management Theory Z and Its Origins

In general, Theory Z is an organizational development (OD) model for restructuring and managing an organization more efficiently; it is an American abstract framework and term which has recently been applied to the study of Japanese business organizations. Theory Z focuses on the importance of the social and cultural dimensions of the work environment and the use of these in establishing an environment which encourages worker productivity and personal commitment.

The roots of Theory Z are founded in contemporary organizational management theory, although there appears to be some debate over who first employed the term. William Ouchi is credited with having "coined the term Theory Z" as a result of having studied successful Japanese industry,[4] although the author appears to carefully avoid making such claims in his own writings. In fact, reference to Theory Z and a statement of its basic assumptions appeared in a 1973 article by Lawrence Foss. Wrote Foss, "Theory Z stresses relations between organizational life and individual life . . . through the medium of the social field . . ." within the organization.[5] Foss' central hypothesis was that effective organizational management had to be based on three dimensions: (1) concern for productivity which is also associated with McGregor's X theory of manangement; (2) concern for people (workers) which is associated with McGregor's Y theory; and (3) concern for the organization as a total social system which became the Z dimension. An effective and efficient organization must balance all three dimensions.

Both Ouchi and Foss were influenced by works of Herzberg, Likert, Maslow, and others of the human relations and organizational development (OD) movements.[6] Foss, however, obliquely derived his conceptualization of Theory Z by attempting to integrate such concepts as "spaceship world" and "cowboy management." Further, Foss' rationale included the notion that modern-day workers, born into an era of American economic affluency, could only be motivated by appealing to their senses of self-esteem and self-actualization. Foss' work on Z seems to have had little impact on management theory or practice because it was too abstract and idealistically stated.

Ouchi's management Theory Z, however, was founded on more conservative and easy to understand ideas which not only provided an abstract framework for explaining why Japanese corporations were so successful, but also provided a practical blueprint for reorganizing American businesses. The current credibility of Management Theory Z among American business and industry is that it produced positive results, in the United States as well as in Japan.

Regardless of Theory Z's origins, it is an idea whose time has come. Theory may have some clear application to the problems of American correctional management.

Adapting Theory Z to American Correctional Management

The central task facing all correctional organizations today is that of making more efficient use out of available resources. Essentially this means that fewer workers—correctional officers, parole agents, childcare workers, etc.—must be motivated to produce a greater volume and higher quality of services. Management Theory Z provides a framework for accomplishing these goals.

Theory Z, like all theories developed in business and industry, must be modified in order to be adapted to any correctional organization. Adaptation must take into account the public, tax supported, and politically vulnerable nature of correctional organizations, as well as the reality that correctional goals are vague and measures of productivity are often unclear or nonquantifiable. All are problems which have historically plagued corrections' evaluation of management efforts. On the other hand, the "human resource" nature of corrections[7] and the particular degree of personal commitment to corrections work already held by corrections employees may well offset these problems. For the immediate future, American correctional management will be deprived of the option of employing increased economic incentives as rewards for correctional workers. Hence, more effective use of alternative incentives must be utilized.

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[2] "How the Japanese Manage in the U.S." *Fortune*, 103 (12), June 15, 1981, pp. 97-103.

[3] Ibid.

[4] Advertisement of Ouchi's book (fn. 1) appearing in *Time*, January 18, 1982, p. 84.

[5] Lawrence Foss, "Managerial Strategy for the Future: Theory Z Management," *California Management Review*, 15(3), Spring, 1973, pp. 68-81.

[6] For a discussion of these refer to "Human Relations and Organizational Development Theories," *Correctional Supervisory Management: Principles of Organization, Policy, and Law* by Archambeault and Archambeault, (Englewood Cliffs, N.J.: Prentice-Hall, 1982, pp. 63-64.

To increase worker productivity, Theory Z directs that three essential management conditions must be achieved. First, management must increase the level of *trust* between worker and manager. Second, management must develop a *holistic concern* for the worker's welfare. Thirdly, management must develop an effective system of *shared decisionmaking*. These will be discussed below.

Developing Trust.—Trust between management and worker is the one essential, but missing, element which Japanese see as missing in most American organizations. Trust is cultivated by management in a variety of ways. The most basic of these are that managers must set the example of good work habits for their employees, be flexible and demonstrate willingness to perform different duties as needed by the organization, and share the burdens of increased workloads, salary cuts, or other unpleasant consequences of depressed economic conditions.

For correctional management, this means that, if parole officers are required to increase their caseloads, then supervisors must be willing to do the same. If correctional officers are expected to rotate among a variety of different posts or duty assignments, then managers must also be in evidence. When budgetary cutbacks make it impossible to fill vacancies or where positions must be cut, management must also share.

Developing a Holistic Concern for Employees.—Another important feature of a Z organization, and one which also builds trust and worker commitment is a holistic concern for the worker's welfare. A holistic approach to management recognizes that the individual worker is a part of a larger social world of family, financial, and personal concerns. The willingness of management to deal with these concerns re-enforces the worker's trust and personal commitment. For example, working mothers with children need assistance in finding inexpensive quality childcare, close to the mother's work, and need empathetic understanding when the occasional, yet predictable, family crisis occurs. The young employee who is concerned about obtaining advanced education needs assistance in arranging work schedules around class schedules. All employees need to be guided toward promotional and career goals in a manner which provides the worker with a defined path and reasonable level of personal security. Employees need to be given assurances that all other alternatives will be exhausted before a person is laid off and that continued employment is a reasonable certainty.

In giving such assurances and assistance, however, management has the obligation of clearly delineating the obligations of the employee toward management and the organization. In exchange for management's holistic approach toward the worker, the worker is expected to be flexible in accepting job assignments, slower promotion rates, and lower salary increases. Co-workers are expected to police themselves and openly show disapproval of anyone abusing management's trust.

Correctional management has more resources at its disposal to aid it in developing a holistic approach toward workers than does business. Correctional workers—whether correctional officer, social worker, or probation officer—need to feel that what they are doing is important and that they are doing a good job. Hence, correctional workers by the nature of their work environment are potentially receptive to a holistic approach in managing them. The nature of correctional work brings employees into daily contact with offenders who negatively reenforce the self-perception of "doing a good job." Hence, the need for positive reenforcement is especially strong. Trained management supervisors can provide the worker with rewards which money incentives cannot buy, which benefit both the worker and management, and which cost the correctional organization nothing but a few minutes of honest management concern.

Developing Shared Decisionmaking.—Historically, correctional management and administration have been founded on Webberian and Fayolian concepts of organization which tend to reject the notions of shared decisionmaking in favor of centralized authoritarian decisionmaking. This is particularly true of custody institutions and state bureaucratic administrative organizations. Prior attempts toward participatory forms of management have not been generally successful in corrections.

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[7] Ibid., p. 90.

However, the successful implementation of Theory Z requires that management must be willing to share decisionmaking with employees and increase the level of worker-manager interactions. Allowing workers to share in decisionmaking which directly affects them does not abrogate management's authority or prerogatives. Nor does it mean that employees have a voice in *all* decisionmaking or have the right to act contrary to management's decisions.

It does mean, however, that in all matters which directly affect the welfare of employees, they *are assured* of having input. For example, suppose a local correctional institution, operating to capacity, suffers budget cuts which will make it necessary to reduce personnel costs by some specified amount, say 7 percent. Suppose that the alternatives facing management are either to reduce the total number of presently filled positions by 7 percent or to spread the reduction among employees by having each employee work one day every other week, but not get paid for that day. The outcome of such a decision would likely receive a great deal more support from the affected employees, if they are allowed to participate in the decision and are presented with the fiscal evidence which justifies the necessity of such a serious action.

Shared decisionmaking, however, requires that managers be trained in group decisionmaking. It also requires a breakdown of unnecessary bureaucratic impersonality and social distance between worker and manager. In most American correctional organizations managers are often physically, as well as socially, removed from the actual work setting. Like other American workers, correctional employees often wonder just how much work is really being done behind closed office doors and sometimes feel that management is so far removed that it is incapable of understanding the real problems confronting the correctional officer, the probation officer, teacher, or child care worker. Mistrust leads to excuses for inefficiency and waste which can no longer be tolerated.

Although the realities are that most managers are indeed very busy people and are usually aware of what is going on, worker perceptions are often to the contrary. To correct this and to increase the level of interaction between manager and worker, Z type organizations often move managers' desks onto the production floor where workers can observe and appraise manager workloads and habits. In Z type organizations the emphasis is on developing teamwork and the perception that the manager's job is simply an extension of the worker's, thereby increasing the level of trust. From upper administration's point of view, this arrangement also allows tighter control of lower ranking managers and supervisors. Bureaucratic worker paranoia and game playing among managers are reduced in Z organizations by grouping management teams in centralized nonpartitioned rooms.[8] Such actions may improve organizational efficiency in many correctional organizations, particularly in the central office of many state departments.

Steps Toward Theory Z Implementation

Every correctional organization is unique and the following steps in implementation may occur in a different order than presented. However, all must be eventually accomplished if the management approach is to have any chance of success.

Step 1: Read About Theory Z.—Ouchi[9] notes that the first step in implementing Theory Z in any organization is to get managers to research and read information on Theory Z in order to become familiar with the ideas, the potentials, and limitations of this approach. To this end, additional references are provided at the end of the article.[10]

Step 2: Get Top Management Involved.—The second step involves selling top management on the potential benefits of Theory Z. To have any chance of success, top management must be convinced and committed to the idea of implementing Theory Z on an organization-wide basis.

Step 3: Evaluate Your Organization's Management Policies.—In this step management evaluates its own organizational policies [11] and procedures and answers the following questions: Are policies clearly written, readable, and easily comprehendable by the employee group which is expected to implement them? Are the philosophy, goals, objectives, and mission of the correctional organization and every subdivision current? Are personnel policies written with sufficient discretion that supervisors and managers can adequately address the holistic concerns of workers? Are policies written in a way which allows shared decisionmaking with workers? Are those areas of shared decisionmaking clearly delineated from those where centralized decisionmaking must be maintained? Are policies written in a way which fosters manager-worker interaction, trust, and teamwork? Obviously, where the answer to any of these questions is no, corrective action is required.

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[8] Ouchi, pp. 60-78.

[9] Ouchi, p. 88.

[10] Also see William Ouchi and Jerry Johnson, "Types of Organizational Control and their Relationships to Emotional-Well-Being," *Administrative Science Quarterly*, 23 (June 1978); Thomas Rohlen, *Harmony and Strength: Japanese White-Collar Organization in Anthropological Perspective*, (Berkeley: Berkeley Press, 1974); Robert Cole, *Work, Mobility, and Participation*, (Berkeley: Berkeley press, 1979).

[11] Refer to Archambeault and Archambeault, "Correctional Policy and Policy Making" (Chapter 6), "Role of the Correctional Supervisor in Organizational Policy Making" (Chapter 7), and "Essentials of a Communications Process" (pp. 284-294), *Correctional Supervisory Management*, op. cit.

Step 4: Train Supervisors and Managers at All Levels.—The Theory Z approach to management can be successful only if it is implemented on an organization-wide basis. All supervisors and managers, not just a few first supervisors or mid-level managers, must be trained in the Z approach. Most correctional supervisors and managers will need extensive training in leading group shared decisionmaking, since many will initially be resistant to this nontraditional approach.

Step 5: Implemented From the Top Down.—Planned implementation is necessary. To be successful, Theory Z must first be implemented in systematic phases from the top levels of the organization down through the various levels of the organization. Z organizations depend heavily on positive management leadership because, once in place, it stresses loyalty to superiors and to the organization as a whole.

Step 6: Involve Unions and Employee Leadership.—From the earliest stages of implementation, management should try to involve unions and employee leadership in the implementation of Z. Traditional union diehards may initially be threatened by the Z approach since it orients management to address the types of worker concerns, such as working conditions and stabilized employment, which are typically represented by union and collective bargaining interests. If management is committed to making Z work, however, such resistance will be quickly overcome once employees recognize management's sincerity.

Step 7: Plan To Evaluate and Revise.—The secret of Z type organizational success lies in its flexibility to adapt to changing economic and political conditions. Organizational flexibility is conditional on worker productivity, commitment to the organization, and flexibility. Theory Z provides a framework to create a work environment which encourages worker productivity, commitment, and flexibility. However, the Theory Z approach, like any other, must be continually evaluated in terms of effect and effectiveness. Policy and training require periodic revision and updating as conditions change.

Summary and Conclusion

Increased workload and decreased budgets are realities facing correctional management during the remainder of the 1980's. This means that fewer employees must be motivated to produce more and higher quality services. Without the availability of economic or promotional incentives, correctional managers are faced with a seemingly impossible task under traditional bureaucratic forms of organizational management, typically found in most American correctional agencies and institutions today.

Faced with a similar dilemma, American business and industry have "discovered" Theory Z management approach and have demonstrated its pragmatic value. Theory Z, as has been discussed in this article, offers promising alternatives for American correctional management as well. Z Theory is an idea whose time has come.

ONE of the very great challenges in corrections today is how probation management, especially in metropolitan areas, will respond to the demands that change puts upon it.

—JOHN F. KOONTZ, JR.

Making Criminals Pay

A Plan for Restitution by Sentencing Commissions*

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TWO HIGHLY publicized incidents in the recent past have served to focus public attention on our criminal law. Mark David Chapman did not deny having fired several pistol bullets into John Lennon, causing his death, although his attorney sought for a time to obtain an innocent verdict on the ground of insanity. John Hinckley, whose actions on March 31, 1981, were subject to intensive news coverage, does not deny having fired his pistol at President Ronald Reagan in order to kill him, and yet his lawyers sought—and obtained on June 21, 1982—a not-guilty finding by reason of insanity. Under the insanity defense an accused may plead and prove innocence of a serious crime without denying that the act prohibited was in fact committed, and that the accused committed it. The insanity defense is not a post-trial sentencing device to obtain hospitalization instead of incarceration for one who admits criminal conduct. It is a complete defense to guilt and a denial of the public power of imposing criminal sanctions.

Those who conduct themselves so as to present harm to innocent citizens, but who suffer from a recognized mental abnormality, deserve to have their mental condition taken into consideration in determining appropriate sanctions. But this should not remove serious harmful conduct from the jurisdiction of the criminal courts. It is evident from this practice that the present system of making critical decisions, finding the facts and implementing the necessary response, is in dire need of wholesale reexamination.

The insanity defense is not the only problem with our criminal justice system but rather one of the many signs of our long overdue obligation to reexamine it. Overcrowded state and Federal prisons, backlogged court calendars, crimes by dangerous offenders on release, disparate and inconsistent sentencing practices and inappropriate plea bargains have far more serious impact on the average citizen than the well-publicized cases of notorious and often deadly attacks on public figures by those who later claim innocence by reason of insanity.

All of these reflect in common the failure of the criminal justice system to accomplish its primary task: to protect the public in the greatest degree consistent with individual rights and humanitarian practices. Our system of justice must be able quickly and correctly to identify those whose conduct warrants the severest sanctions, and to remove their ability to inflict harm on the public. It must deny continuing offenders any opportunity to benefit unjustly from the absence of coordination among the multiple separate agencies now involved in the criminal process.

The criminal justice system must also be able to deal with the many offenders who are not violent and recidivist, but whose conduct nonetheless warrants punishment. For these, warehousing in crowded jails and prisons is wasteful, inhumane, and fosters no respect for the law.

The system must, finally, begin to address the plight of the victims of criminal conduct in a coherent and effective manner. It must, to the greatest extent possible, pair punishment with redress for the victim. In placing a greater emphasis on restitution it will bring home to the offender the intolerable social cost of criminal conduct.

The history of correctional philosophy reveals a number of noble experiments, which have brought much humanitarian improvement since the age of corporal punishment, but which have, on the whole, proved failures. We have tried to bring religion, rehabilitation, and research to bear on the problem of crime, but we have neglected the most obvious way of making the individual offender, and the entire society, aware of the stakes involved. By ignoring the cost, we have lost our ability to exact repayment. In every domain of our lives we learn to consider the consequences to others; the answer to crime is to apply this lesson to the criminal.

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*This article is based on a criminal justice position paper prepared for the Ripon Society. The author's earlier piece, "Organizing the Criminal Justice System: A Look at 'Operative' Objectives," appeared in the June 1976 issue of FEDERAL PROBATION.

Crime is common because it is cheap, and it is cheap because we make it so. The essence of crime lies in injury to the innocent. Our civil law has for centuries made the knowing perpetration of such injury very expensive to those responsible, through the development of civil remedies for money damages. It is time that we made this lesson a fundamental part of the entire legal order.

The criminal process performs two major functions, those of trial and sentencing, finding the facts and determining the appropriate and effective response. In its excessive concern with legalisms, it has lost sight of the single major criterion which should guide all of its operations: the prevention of harm to innocent citizens. The system fails because it does not carry out the immediate and continuing inquiry which criminal conduct warrants and impose sanctions accordingly. It is a system which suffers from a woeful lack of organization and understanding of the individuals who by their conduct are brought into contact with it. Its procedures are dominated by traditions which, although they have been reviewed piecemeal in countless individual court cases and special legislative tinkering, have never been reevaluated in their entirety since their derivation from ancient forms of action in England and Europe.

The essence of our criminal procedure, dating from the Middle Ages, is the adversarial trial. A particular charge is drawn by a prosecutor and reviewed by a grand jury in felony cases. Trial of the case is conducted under restricted rules of evidence, and sentencing is done by the judge according to a set punishment prescribed according to the given offense. Definition of offenses has always been accomplished through technical and largely historical classifications, which may encompass a widely divergent set of circumstances. A great diversity of acts, causing varying degrees of harm and demonstrating varying degrees of intent, may fall under a single class of offenses. The first requirement of a realistic criminal justice system is that criminal acts be evaluated according to real, and not traditional, criteria of gravity. The real criteria consist of intent, circumstance, and harm. The severest sanctions should be reserved for those who knowingly do great harm to innocent citizens, without provocation.[1]

Traditional practice has also determined that sentencing be imposed by the trial judge. Judges are already overworked and underpaid, and are hard pressed to handle an increasing civil and criminal caseload. They are not experts on penology and cannot be aware of the diverse available sentencing alternatives. They cannot oversee the administration of their sentence to be sure that it attains its purpose, nor can they amend their decision, except in rare circumstances, when further information comes to light regarding the offense or the offender. In the great majority of cases judges are not even well informed concerning the background and record of the offender, and when no trial takes place they may know relatively little concerning the entire nature of the offense. The second requirement of an effective criminal justice system is that sentencing be performed by an independent body with experience in corrections, comprehensive information as to sentences given for comparable offenses and available sentencing alternatives, access to all relevant information concerning the offender, and the capability of following up its decisions in order to see that they are implemented.

Under the present system, enormous discretion is accorded to the prosecutorial branch of government. Due to the broad and general definition of crimes, it is possible and legally permissible to charge the same offender with different or multiple counts and degrees of offenses. Final decisions concerning offenses, offenders and sanctions are therefore often made by prosecutors and negotiated by plea bargains, are not subject to review and foreclose any further inquiry. No sentencing system can be fair, effective and consistent unless the evaluative function of the prosecutorial branch is coordinated with the decisions at other stages in the process and consistent with sanctions imposed on other offenders.

Considerable controversy has taken place concerning the function of parole boards, which hold the chief responsibility over postsentencing decisions affecting the term of imprisonment. Parole boards as presently constituted are entirely independent of prosecutive, trial and sentencing, and correctional agencies. Because parole decisions shorten prison sentences on an independently selective basis they have often been inconsistent with the original sentencing decision. Parole board appointments are not subject to the same degree of scrutiny as judicial appointments, and are often less insulated from political considerations.

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[1] There have been several attempts in recent years to meet the problem of disparate sentencing practices, spurred by Judge Marvin Frankel's articulate call for reform in *Criminal Sentences: Law Without Order* (1972). Two major studies during the last decade have recommended "flat-time" or determinate sentences, but in so doing proposed systematic consideration of "aggravating and mitigating" circumstances. *Fair and Certain Punishment*, Report of the Twentieth Century Fund Task Force on Criminal Sentencing (1976); von Hirsch, *Doing Justice: The Choice of Punishments*, Report of the Committee for the Study of Incarceration (1976). Examination of the aggravating and mitigating factors reveals a shift away from traditional sentencing by class of offense and toward placing greater weight on intent, circumstance and harm. See Kellogg, "From Retribution To 'Desert': The Evolution of Criminal Punishment" 15 *Criminology* 179 (August 1977).

The most prominent use of a system of standardized factors of aggravation and mitigation to adjust sanctions is found in the set of guidelines adopted in the 1970's by the United States Parole Commission and published in the Code of Federal Regulations. 28 CFR 2.20. Although parole boards alone cannot assure equal sentencing since their decision comes at the end of the process and must make do with more fundamental decisions already made, experience with the guidelines may be useful to states interested in standardizing sanctions according to additional criteria beyond the class of offense.

There is a strong body of opinion that parole boards should be abolished in order to promote sentencing determinacy. Abolishing parole decisions, and putting nothing in their place, would remove the only postsentencing stage of inquiry into the appropriateness of sanctions. The system must be able to correct error and make use of newly available information. It must also have the power to adapt sanctions to the postsentencing conduct of the offender. Abolishing any form of inquiry and discretion subsequent to the initial sentence would be a step backward. The problem lies in integrating the parole decision into the overall evaluative process.

Therefore, the Ripon Society makes the following proposals. The first proposal is for the creation of independent correctional commissions which will be responsible for assuring accurate assessment and consistent sentencing of criminal offenders at each stage of the process, operating under public scrutiny and a clear set of standards. Such commissions should operate under the judicial branch of government, as their major functions will be those traditionally given to the judiciary. They should be chosen with the same order of selectivity as is used for judges and be given all of the power and independence of the judicial branch, and their actions should be subject to review in the appellate courts under the standards currently employed in administrative law. They will be responsible for all major decisions concerning offenders, from sentencing onward.

We do not recommend that the commissions be given prosecutorial powers or that the prosecutive branch sacrifice its traditional responsibility, but only that the commissions be assured two powers which are consistent with our judicial tradition and the separation of powers: to approve or disapprove all prosecutive plea bargains reducing or enhancing charges once an offender has been indicted by a grand jury, and in special and clearly defined circumstances to submit matters before a sitting grand jury, to prevent cases of clear and grave violation going unprosecuted. The commissions should also be given the responsibility over all postsentencing decisions, including probation, parole, probation and parole revocation, transfer to halfway houses or special employment, and all other major changes to the initial sentencing decision.[2]

The use of such commissions, staffed by trained investigators and personnel currently operating under the separate probation and parole agencies, will for the first time assure that serious and continuing offenders are denied any opportunity to "judgeshop" or exploit the absence of coordination among the multiple separate agencies now involved in the criminal process. The central objective of the process will then be to identify at the earliest possible stage the continuing and violent offender, using knowing infliction of harm upon innocent citizens as the primary criterion. This will assure that danger to the public is removed. The commission will be empowered to oversee the implementation of confinement, employing drug treatment, job training or other rehabilitative measures as it sees fit, and it will be in a position to insure that all sanctions are consistent and humane.

The correctional commissions will end the need for the insanity defense. Through the use of independent commissions, operating under clear and consistent standards, fair, appropriate and humane correctional practice may be employed with regard to offenders who suffer from mental disturbances. There will be no need to divert those who claim insanity from the criminal justice system, as their needs will be addressed at that stage of the process where they belong: the administration of the appropriate response. The Ripon Society does not oppose different treatment of the insane offender, nor does it deny that the insanity defense may have been conceived with the best intentions. Rather, it contends that correctional commissions will be able to assure proper treatment of the mentally disturbed or deranged, as well as all other types of criminal offender.

The second major proposal for improvement of the criminal justice system in the United States will substantially reduce our dependence upon already overcrowded jails and prisons and will enhance our ability to deal effectively with new or nonviolent offenders who are nevertheless responsible for harm to innocent citizens. It will also enable the system to convey to the offender the cost of his conduct in suffering to others. This proposal consists of requiring an assessment of the degree of harm to others in every criminal proceeding, and a judgment against the offender for the harm in money damages. The offender will then be required to make full restitution either to the victim or to a fund for future victims of crime, and this judgment will remain until paid.

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[2] Forty-five years ago criminologist Sheldon Glueck contended that sentencing is too important and difficult to be left to judges alone. Over 20 years ago "sentencing councils" were established informally by Federal trial judges in the Eastern District of Michigan and the practice developed a small following in other jurisdictions. However, the scope of decision was necessarily limited and the demands on judges' time burdensome. The correctional commission would have full scope of decision over sentences and would be undistracted by other duties.

A substantial portion, and likely the majority, of crimes would not be committed if there existed a real possibility that they would have to be paid for in full by the offender. With few exceptions, existing civil laws provide remedies for victims against those who inflict wrongful harm. However, these remedies are rarely used due to the expense of hiring lawyers, the burden of maintaining a private lawsuit, and the unlikelihood that collection may be effected against the defendant.

These obstacles can be removed by making assessment of the harm and damage from criminal conduct part of the criminal proceeding, and making collection part of the criminal sanctioning process.[3] Offenders will be placed on notice that the consequences of their acts will be speedily evaluated after judgment of guilt, while the evidence is still fresh. They will be required to make full restitution as part of the sentence, under supervision of the correctional commission. Judgments from criminal violation will not be subject to removal in personal bankruptcy. All property owned by the offender at or after the time of the offense will be liable to attachment for satisfaction of such judgments to the same extent as for other civil judgments. When confinement is deemed necessary by the commission, offenders will be required to work in prison industries to pay their victims. Such judgments will assist in establishing funds for crime victim relief in order to provide immediate assistance to the victims of crime.

The idea of introducing restitution into the criminal sentencing process is not new. Other countries, and several states in this country, have sought to escape the predominant and increasingly costly reliance on imprisonment through court-ordered restitution to the victim.[4] Most restitution programs to date, however, have placed the main burden of setting the penalty on the sentencing judge, and have not established a systematic evaluation of all offenses. Nor have they created an agency like the correctional commission which would be in a position to insure both uniformity of sanctions and the effectiveness of their administration.

Another important factor for successful restitution is the existence of adequate work facilities for convicted offenders who are unemployed. Most states, as well as the Federal Government, have long experience with prison industries, and some industries have proven both effective and profitable.[5] But prison should be reserved for the serious and violent offender. A recent proposal would help to meet this problem by allowing nonviolent offenders to live where they choose and work at conventional jobs in state-run or supervised industries. The leading proponent of such nonresidential work facilities has observed that the most costly and inhumane part of prison is the residential component, and that if such facilities were readily available for nonviolent offenders about half of all inmates in our prisons today would not be incarcerated.[6] Rich and poor offenders could be treated equitably by assessing penalties in terms of work time.[7]

The Ripon Society urges that implementation of these proposals be initiated at the state level. Questions regarding implementation, including the manner of assessment of particular offenses, need not be answered here but should be debated first by state legislatures. The primary jurisdiction over crime in this country lies with the states, and individual state legislative action provides an excellent proving ground for national policy. We believe that these proposals may succeed where other experiments have failed, and that if tried in one or more states they could dramatically reduce the level of criminal offenses, relieve the plight of the innocent victim, and substantially reduce the cost of crime and the administration of criminal justice.

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[3] The most efficient and equitable assessment of money damages would be through the commission, but in states where a constitutional right to jury assessment exists a waiver would be required to submit the case to the commission. It is likely, however, that jurors would tend to render higher awards than the commissioners, and waivers would be common.

[4] Great Britain: see Tarling, R. and P. Softley, "Compensation Orders in the Crown Court," *Criminal Law Review* 422-435 (July 1976); Australia: see Potas, "Alternatives to Imprisonment," *Crime and Justice in Australia* 102 (1977); Canada: *Community Participation in Sentencing*, Law Reform Commission of Canada (1976); for a survey of programs in the United States, see Chesney, S., J. Hudson and J. McLagen, "New Look at Restitution: Recent Legislation, Programs and Research," 61 *Judicature* 348-357 (March 1978).

[5] Federal Prison Industries showed a profit of $6 million in 1978 and Texas prison industries showed profits of $5 million in 1978, according to *Criminal Justice Monitor* and Balkin, S., "Prisoners by day: a proposal to sentence non-violent offenders to non-residential work facilities," 64 *Judicature* 154 (October 1980).

[6] See Balkin, *supra* n. 4, 154, 156.

[7] *Id.* at 158.

Information Processing in a Probation Office

The Southern District of Georgia Experience

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Background

On October 18, 1979, a request was sent to the Administrative Office of the United States Courts for the leasing of an IBM System 6 Model 442 Information Processor to be used in the probation office of the Southern District of Georgia. The justification for this request was divided into four applications: sentencing data, active supervision case records, case activities, and closed case records.

Sentencing Data—Sentence disparity is a frequently raised complaint against the judiciary. Staffing sentence recommendations by the probation officers, especially in multidefendant cases, help keep sentencing recommendations consistent. To improve our consistency we wanted a system to keep track of the sentences for similar offenses and an easy method to compare these sentences. We proposed files with 22 fields (items of information) identifying the defendant, offense, recommendation, sentence, judge and probation officer. In our original proposal, the only information on the offender other than name was the salient factor score.[*]

Active Supervision Case Records—There were 17 fields in this proposed application including type of offense, age, race, sex, salient factor score, classification, and prior record. Prior to the information being on processing equipment it was difficult to get reports on the type of offenses for which persons are on supervision, and data by sex, race, age, etc. We also envisioned that the quarterly worksheet, which was typed by the individual secretaries, could be printed on the processing equipment.

Case Activities—This application, which would contain contact information has been dropped. Case activity recording is handled more effectively by manual methods and there is little value in duplicating the already existing information in a machine.

Closed Case Records—This application would have had 10 fields including success/failure information.

We received the equipment in May 1980. There was considerable discussion as to the type of items to go into the machine and the outputs that could and/or should be produced; and how much work it would create for the secretaries, etc.

The individuals who set up the initial training and system had no information/word processing experience, including the IBM representative assigned to us. This made the initial trial and error confusing and time-consuming. We began to question the value of the equipment. However, the fascination of processing capability, constricted only by the imagination of the operators, produced light at the end of the tunnel. Due to the insistence of the secretaries, we committed ourselves deeply and thoroughly in the beginning rather than trying a shallow individual report approach that was first envisioned.

A decision was made to have one worksheet with all fields necessary to work in all applications. The first task we hoped to accomplish was to have the equipment print out Probation Form 3, the form sent to the Administrative Office to provide them with case information. At that time, the individual clerks were doing their own Form 3's, so we gave them good news and bad news. The good news, they would not have to type Form 3's; the bad news, they would have to complete a handwritten worksheet that has over 90 fields.

By August 1980, even with the main operator hospitalized, we were producing our Form 3's, sentence comparison charts, and sentencing data for our 1980 Annual Report. We were still working on getting our active caseload into the machine for our own use as well as future statistical reporting. We continued inputting into the machine and revamping our process with ideas from the staff, especially the main operator after she returned to work. We have accomplished so much to this point it would be difficult to imagine operating without processing capabilities.

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[*] *Editor's Note:* The reader is referred to the article by Hoffman and Adelberg (FEDERAL PROBATION, March 1980) for a nontechnical explanation of the salient factor score.

Present Operation

Input—Nearly all the input into the system is done by an operator working from worksheets submitted by the probation clerks. The clerks are required to complete this worksheet with 90 fields from information obtained basically from the case file. There is an additional worksheet with five fields to be completed by officers when a defendant is sentenced as there are some subjective decisions that have to be translated to specific codes.

Main Worksheet Fields

1. ID
2. Court Name, Last
3. Court Name, First
4. Court Name, Mid
5. District No.
6. Office No.
7. Docket No.
8. Defendant No.
9. Type of Case
10. Code No.
11. AKA
12. Judge
13. Place of Court
14. Date Received
15. Expiration Date
16. Date of Offense
17. Social Security No.
18. Prior Record
55. Split/Mixed
56. Special Condition
57. Sentenced Resti.($)
58. Sent. Weekend Jail
59. Sent. Commun. Ser.
60. Sent. Drug Aftere.
61. Sent. Mental Health
62. Sentenced, Other
63. Sentence to Recomm.
64. Transferring Dist.
65. Trans. Dist. No.
66. Trans. Office No.
67. Received Codes

19. Birth Place
20. FBI No.
21. Sex
22. Race
23. Age
24. Birthdate
25. Marital Status
26. Education
27. Street Address
28. City, State, Zip
29. Date of Sentence
30. Officer
31. Marshal's No.
32. Guilty/Conv. Date
33. AO Code
34. Title and Section
35. Offense Description
36. Offense Severity
68. Days Cred. to Sent.
69. Date Committed
70. Date ReCommitted
71. Reason Remov./Term
72. Success/Unsuccess
73. Spec. Cond. Met
74. Revoked-New Conv.
75. Revoc. Pend. Felony
76. Revoked-Absconded
77. Revoked-Technical
78. Revoc. Impr. Months
79. Revoc. Prob. Months
80. Revoc. Spec. Stats.

37. Salient Factor
38. Remarks
39. RPS
40. Classification
41. Counts
42. Prop/Money Loss
43. Circumstances
44. Mental/Physical
45. Employment
46. Empty
47. Empty
48. Empty
49. Impr-Months
50. Prob-Months
51. SPT Months
52. Special Statutes
53. Fine ($)
54. Study/Observ Date
81. Revocation Fine
82. Rev. Spec. Cond.
83. Removed Code
84. Date Removed
85. Months w/Super.
86. Year Case Closed
87. Study/Ob. Stats.
88. PTD Months
89. Par. Spec. Cond.
90. Second Sent. Date
91. Second Sent. Cont.
92. Total Sentence
93. Extra Remarks

Supplemental Worksheet

The following is the information on the worksheet to be completed by the officer when the defendant is sentenced:

41. Counts: The number charged; the number convicted; indicate plea agreement, plea, or verdict
42. Property/Monetary Loss: Total value of loss reasonably attributed to present offense
43. Circumstances: No unusual, mitigating, aggravating, weapon used or personal injury caused
44. Mental/Physical Problems: Established mental and/or physical problems including drug or alcohol abuse
45. Employment: Good, poor, spotty, retired, disabled, housewife/husband, other

Worksheets are to be submitted when defendant has been sentenced or when an individual has been received for supervision, either active or inactive.

In a new supervision case, once the information has been inputted, the operator outputs a Form 3 for SARD (Statistical Analysis and Reports Division) and a LEDS (Law Enforcement Data System) sheet. The LEDS sheet is sent to the local FBI office where the information is inputted into their GCIC (Georgia Crime Information Center) terminal then sent to the state computer. We'll discuss LEDS more thoroughly later.

When there are case changes requiring a Form 3a to be sent to SARD the secretary updates the worksheet and submits it to the machine operator. The worksheets are returned to the secretary for the file when the machine input has been completed. With compatible equipment in all offices the paper worksheet could be abolished.

If the case is an update for previously entered information, only the changes are entered and the operator prints the appropriate card for SARD.

Through diligent effort and ingenuity, the operator has established concise wording and necessary abbreviations for the information that is put into the machine. After consultation with the staff at SARD, we are now able to output a perfect Form 3 or 3a in every situation. It takes about 2 minutes to output one Form 3 or one LEDS sheet when done individually. When done in batches, however, it takes about 15 seconds for each subsequent printout.

Regular Report Outputs

Sentence Data—Whenever a presentence is to be staffed by the probation office for a sentence recommendation, an officer requests a report of the sentencing data for that offense. (Appendix 1) The AO code for the offense is used to qualify the files. Proper coding, which took considerable training for the secretaries, makes easy retrieval for this information. Records can also be qualified and printed by title and section. Sentence data for the qualified offense is then printed on preprinted forms sequenced on the severity of the sentence, the lightest sentence first. Easy comparison can be made of the severity of the sentence and other factors in the offense and defendant's background. The various descriptions of the U.S. Parole Commission offense severity ratings found on the cover sheet of the report are stored in a file that can be retrieved to print out the severity descriptions that are appropriate for the offense under consideration. Other comparisons can be made as a side benefit, such as sentencing differences between the judges, the deviation from recommendation to sentence, the defendant's educational level, prior record, race, age, sex, etc. The format for this comparison chart was borrowed from the Eastern District of Pennsylvania where this type of information is provided the judges on a 6-month basis through the clerk's office.

The system provides the sentencing information for the annual report. District-wide information is published for distribution; data for individual judges is a local addendum in the annual report. By proper qualification and sequencing, we are able to produce a case listing similar to the D5 printout provided by SARD making 100 percent cross checking easy. As a result of using the system and placing emphasis on proper district information, problems have been pointed out and corrected. The information now provided to and received from the Administrative Office has a low error rate, especially when compared to the information prior to the system.

Supervision Reports—At the beginning of each month, the systems operator provides the chief and supervisors with an alphabetical listing of all those on supervision in the district. The report includes the officer responsible for the case, the type of case and expiration date. This information is needed as the chief or a supervisor may be called at home at night or on weekends if a supervisee is arrested in Georgia and the arresting agency runs a GCIC check. The district caseload is in the GCIC computer through the use of LEDS, discussed earlier. A law enforcement officer inquiring about an individual under our supervision is informed the person is not wanted, but is on probation or parole. The inquiring officer is instructed to call the probation office during working hours or the chief or supervisor at home at other times. With the alpha listing at home, it is easy to determine the supervising officer and contact him. Even if the inquiring office does not notify the probation officer, the terminal of entry is electronically notified of the inquiry giving the location and number of the terminal used for the inquiry. The probation officer can then contact the inquiring agency to determine what prompted the inquiry.

At the beginning of the month the systems operator provides a list of all 6-month summaries due and cases expiring during the month. This list is sequenced on officers first, then the case names. As copies of the 6-month summaries are provided to the chief after review by the supervisor, a check can be made to make sure all summaries have been completed. This same information can be provided for the F3 (parole commission) reviews and will probably be made part of this report in the near future.

Monthly, individual officers and their secretaries are provided a list of their active cases showing the type of case and the expiration date. A printout of inactive cases is made and used as a check to make sure these cases are getting the proper attention.

On a quarterly basis, the systems operator prints out a quarterly caseload activity worksheet (Appendix 2) that is sent to the secretaries for use in obtaining case activity data during the next quarter. Case activities are logged manually by the secretaries. With sufficient equipment, case activity recording could be handled electronically, however, the pencil and paper method keeps the daily activity at easy access for the secretary, the probation officer and the supervisor. Contact information is observed in a glance in manual methods without having to tie up machine or clerical time to get an output or reading as would be needed if done electronically. The completed case activity sheets are submitted on a quarterly basis. It only takes a few minutes to review contact quantity and no formal report is necessary. At this point we feel that manual case activity recording is probably the best method in most circumstances.

The unemployed are identified quarterly although it could be done monthly. The unemployment report lists variables that can be compared or considered in identifying problems. The report contains the following items: type of case; prior record; sex; race; age; marital status; education; salient factor score; probation officer; special conditions; offense; and offense severity rating. While our reports are sequenced on case name, they could be sequenced on any of the listed items.

We have had other unexpected results from the system. We have been able to provide reports on those involved in drug aftercare, and various sentencing alternatives. We have a quick guide for completing the Form 9 by printing lists of those received on and removed from supervision, both active and inactive. There have been numerous other individual reports produced and the types of reports are limited only by the imagination, although the Systems 6 does not have math capability. With more sophisticated equipment that is now available, a program could be written to have the Form 9 information printed from the data already in the machine, as well as a wide variety of summary reports.

Word Processing

One additional benefit is the information processor is also a word processor. This equipment can take the pressure off the secretary when presentence reports must be completed to make sentencing deadlines. Input is viewed on a CRT and can be edited before being printed. Even after being printed, last minute editing and changes are made simple to provide a clean, error free report for the judge.

The main problem we have is our one machine is utilized nearly the full working day. Any reports that the chief wants to do (including this one) must be done after working hours.

Equipment Consideration

Storage capacity—The IBM System 6 diskette can hold about 260,000 characters. We are beginning to run out of room before the end of the year for active caseload and combined sentence data with all the special formats that are on the diskette. Our self-contained system utilizes only one diskette. The diskette is the size of a 45 record. Some systems use smaller diskettes. Many systems use two diskettes doubling the storage capacity. Most systems now come in components and can provide unlimited storage capacity through hard disk packs.

Printer—There are printers with various speeds, qualities, and price tags and, as expected, tradeoffs would have to be considered. The printer we use prints 60 characters per second. We find that this is adequate as the operator can be inputting the next page as the printer prints out the completed page. When waiting only, however, a page even at this speed seems to take an eternity.

Summary

The initial thrust of obtaining the system was to provide previously unavailable information in a timely manner to the court and probation officers. We have more than met our original desires by providing greater depth in our information than our originally designed applications. The system has also given us much more management capability than we even thought about. There are many more applications that can be utilized, including personnel, training, etc. This would require an expanded operation.

An unexpected benefit is the knowledge gained by the secretarial staff as a result of adapting their work to the system. They have a thorough knowledge of the information the clerk's office sends to SARD on criminal cases and how it is developed. They know what SARD needs on the Form 3's, including complex multi-indictment cases; how to determine the offense severity to pick the proper offense to be reported; AO Code formations, especially on drug cases; and, in short, they have a better appreciation of the inner workings of the court and related agencies.

At the time of aquisition we had sufficient personnel to implement the program properly. Subsequently, we lost two clerical positions. We are able to continue storing and processing the information and because of the word processing capability, enough time is saved so we are able to keep up with the workload. While it is too early to tell, we feel we can continue to operate at our present clerk-to-officer ratio with existing equipment.

(Appendixes 1 and 2 follow on pages 20 and 21.)

APPENDIX 1

SENTENCE COMPARISON CHART
04-22-82
FORGING AND UTTERING-57 / /

LEGEND:

OFFENSE SEVERITY:

LOW MODERATE Forgery Less Than $2000
MODERATE $2000-$19,999
HIGH $20,000-$100,000
VERY HIGH $100,000-$500,000
GREATEST-I Over $500,000

CIRCUMSTANCES:

- N—No Unusual.
- M—Mitigating / indicating defendant not as involved in crime as ordinarily perceived.
- A—Aggravating / indicating defendant more involved than ordinarily perceived.
- W—Weapon used by defendant in commission of crime.
- I—Personal Injury caused by defendant in commission of crime.

PRIOR RECORD:

- 0—No known prior conviction.
- 1—Prior conviction(s) resulting in probation only or suspended sentence. (also fines over $50)
- 2—Prior conviction(s) of sentence to 1 year or less. (also split/mixed)
- 3—Juvenile Delinquency commitment(s).
- 4—Prior conviction(s) with confinement of more than 1 year.

MARITAL STATUS:

- M—Married.
- S—Single.
- D—Divorced.
- P—Separated.
- W—Widowed.
- C—Common Law.
- Z—Corporation.
- X—Unknown.

MENTAL/PHYSICAL:

- M—Established Mental Problems/including retardation.
- P—Established Physical Problems.
- B—Both.
- D—Drug Abuse.
- A—Alcoholism.

EDUCATION:

- ELEM—8th Grade Completed.
- HS—9-11 Complete.
- DIPL HS—Graduate or GED.
- COLLEGE—13-16.
- GRAD-COLL—Bachelor Degree or Higher.
- Z—Corporation.
- X—Unknown.
- OTHER—Under 8th Grade.
- VOCAT—Vocational Training.

EMPLOYMENT:

- G—Good.
- P—Poor.
- S—Spotty.
- R—Retired.
- D—Disabled.
- H—Housewife/husband.
- O—Other.

DOCKET #	OFFENSE					OFFENDER									SENTENCE								
DOCKET NUMBER	TITLE AND SECTION	COUNTS Charged—Convicted—(P)Plea/(A)Agreement/(V)Verdict	OFFENSE SEVERITY	PROPERTY AND/OR MONETARY VALUE	CIRCUMSTANCES	SEX	AGE	MARITAL	MENTAL/PHYSICAL	EDUCATION	EMPLOYMENT	PRIOR RECORD	SALIENT FACTOR (0-11)	RPS 80 (0-34)	JUDGE	PROBATION OFFICER	S-R	IMPRISONMENT (MOS)	SPECIAL PAROLE (MOS)	FINE ($)	RESTITUTION ($)	W/E JAIL (DAYS)	COM SVC (HRS)
79-00130 02	18:495		LM										10		J084	LE	2		36			X	
79-00130 01	18:495		LM										10		J084	LE	3		36			X	
80-00112 01	18:495		M			M	21	M		HS		1	9		J087	LE	2		36				
81-00118 02	18:495	03-01-V	L	372	M	M	28	C		HS	G	0	11	12	J084	LE	2		36			30	
81-00118 03	18:495	03-01-A	L	372	M	M	36	S	A	COLLEGE	G	1	8	34	J084	LE	3		36			30	
81-00118 01	18:495	03-01-A	L	372	N	F	21	S	N	ELEM	P	1	4	9	J084	LE	3		36			30	
82-00117 08	18:495	03-01-A	LM	285	N	M	30	P	N	ELEM	G	0	10	33	J084	HE	2		60		200		200
82-00100 02	18:495		LM			F	22	M		HS		0	9	23	J086	WI	3		60				
82-00118 01	18:495		LM			M	28	M		DIPL HS		1	7	34	J086	WI	1		60		330		
79-00105 01	18:495		LM										10		J085	FL	3	3	36		312		
80-00141 01	18:495		LM			M	34	S		HS		2	7		J086	MC	3	6	36		353		
81-00116 01	18:495		LM			M	30	S		OTHER		0	7	19	J085	MC	2	6	48		420		
81-00140 01	18:495	03-01-A	LM		N	F	38	D	N	DIPL HS	S	0	9	34	J086	HE	3	6	48	500			
80-00157 01	18:495		LM			M	28	M		OTHER		4	5		J086	YO	3	6	60		222		
81-00140 03	18:495	03-01-A	LM	886	M	M	34	M	N	ELEM	G	1	8	12	J086	HE	2	6	60		886		
79-00237 01	18:13		LM										6		J084	BA	2	36					
80-00130 01	18:495		M										3		J086	YO	2	36					
81-00118 01	18:495		LM			M	29	S		ELEM		3	6	19	J086	HO	3	36					
81-00136 01	18:495	03-01-A	LM	316	N	M	30	M	P	HS	G	2	7	17	J086	HO	2	36					
81-00118 04	18:495	03-01-A	L	372	A	M	33	M	N	HS	G	1	7	19	J084	LE	1	36					
79-00140 01	18:495		LM										3		J085	FL	2	48					
80-00184 01	18:495		LM			M	36	S		DIPL HS		1	8		J086	HE	3	48					
81-00134 01	18:495	03-01-A	LM	506	N	M	19	C	N	ELEM	S	3	6	16	J086	HE	2	48					
81-00140 01	18:495	03-01-A	LM	896	N	M	20	S	N	ELEM	S	1	7	9	J086	WE	2	48					
81-00140 02	18:495	03-01-A	LM	896	A	M	22	M	P	HS	G	1	6	16	J086	HE	2	48					
79-00130 03	18:495		LM										4		J084	LE	3	48	96				
82-00113 02	18:495	06-03-A	LM	422	N	F	21	S	N	HS	P	1	7	13	J084	HO	2	60					

APPENDIX 2

QUARTERLY CASELOAD WORKSHEET

OFFICER NEWMAN

QUARTER ENDING JUN 82

N/A = housewife; retired; disabled; student; or in PO's view need not be employed

SF = salient factor

U = unemployed but should be employed

NAME & ADDRESS	CLASS & SF	CASE TYPE	EXPIRES	SPECIAL CONDITION	MR	CONTACTS							MONEY EARNED (U or NA)		PUB WRK HRS
						FACE-TO-FACE			LTR SUBJ	TC SUBJ	COLL	TOTAL			
						OV	HV	OTH					PROB	PAR	
BRADLEY, LARRY 4 CLOVER DR SAVANNAH GA 31401 4	L 4 34	PAR	02-19-90	DRUG											
DOWNING, LYNN W P O BOX 7311 SAVANNAH GA 31404 2	L 11 34	PROB	11-20-82	SPEC COND 2,000 X C S											
JABAR, TINA MARIE 407 BRYAN ST FT STEWART GA 31314 1	L 7 34	PAR	11-12-84	MNTL HLTH											
SEARS, KATHELYN EVA 514 YAMACRAW VILL SAVANNAH GA 31401 3	L 10 30	PROB	03-30-85	SPEC COND 100 100 C S											

Juvenile Correctional Institutions: A Policy Statement

BY CLEMENS BARTOLLAS, PH.D.,* AND CHRISTOPHER M. SIEVERDES, PHD.**

THE QUESTION of juvenile institutionalization is fraught with sharp conflict. One one hand, Jerome Miller and others loudly proclaim that all training schools are bad for children and that youthful offenders must be kept out of them. On the other hand, hardliners, or proponents of the punishment model, propose that the violence of youth crime is directly related to the permissiveness of the juvenile justice system. They claim that the best solution to the serious problem of juvenile crime is to send more youthful offenders to training schools. After briefly reviewing the history and salient characteristics of training schools, this article recommends policy directions for the future.

The Past: History of Good Intentions

The houses of refuge, or first juvenile correctional institutions, were built in the 1820's through 1840's. These juvenile institutions implemented the family model, for they were designed to implant the order, discipline, and care of the family into institutional life. In effect, the institution became the home, peers became the family, and staff became the parents. As the use of these refuge houses continued into the 1840's and 1850's, some became well known by special names taken from individuals and locations; notable examples are George Junior Republic and Sleighton Farms. The cottage system was subsequently introduced in 1854, and it soon spread throughout the Nation. Faith in industrial schools continued into the 20th century, but the increasing size of their populations, a decrease in funds from state legislatures, and the admission of more dangerous offenders resulted in a greater emphasis on custody in these juvenile institutions.

In the 20th century, the most impressive modification of these industrial schools, or reform schools as they were sometimes known, was the implementation of a treatment regimen. Professional staff, such as social workers, psychologists, and psychiatrists used social casework, individual and group therapy, and classification systems to rehabilitate, recycle, remake, and remodel residents. Residents could graduate from state-accredited high school programs and could pursue training in vocational programs such as printing, barbering, automotive repair, and welding. Home furloughs and work release programs were also introduced into juvenile institutions in the second half of the 20th century. Today, the structure of juvenile institutions has multiplied to include ranches, forestry camps, farms, reception and diagnostic centers, educational and vocational training schools, and end-of-the-line, maximum security training schools.

The 1970's: Few Friends for Training Schools

Training schools had few friends through most of the 1970's. They were commonly attacked as violent, inhumane, criminogenic, and prohibitedly expensive. The rise of a deinstitutionalization movement in many states, which was part of a larger emphasis on community-based corrections, gave support to the belief that the 150-year history of good intentions and disastrous results of training schools was finally coming to an end. Some national commissions blissfully forecasted that the long-awaited end of the training school era was finally at hand and that all states, like Massachusetts, would close their training schools.

The violence of training schools has received considerable documentation the past two decades. Polsky's study of a private training school in Connecticut; Bartollas, Miller, and Dinitz's examination of a maximum security, end-of-the-line training school in Ohio; and Feld's research on training schools in Massachusetts before they were closed all found that inmate leaders and their lieutenants controlled other residents through force and intimidation.[1] The Bartollas, *et al.*, study of a maximum security institution for boys revealed that streetwise blacks controlled the culture as they victimized whites and middle-class blacks in every

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[1] Howard W. Polsky, *Cottage Six* (New York: Russell Sage, 1962); Clemens Bartollas, Stuart J. Miller, and Simon Dinitz, *Juvenile Victimization: The Institutional Paradox* (New York: Halsted Press, 1976); Barry C. Feld, *Neutralizing Inmate Violence: Juvenile Offenders in Institutions* (Cambridge, Mass.: Ballinger Publishing Company, 1977).

conceivable way. In this end-of-the-line facility, 90 percent of the 150 inmates were either exploiters or victims. One inmate summarized the violence of this training school when he said, "Man, this place is a jungle and only the strong survive." Propper's examination of girls in three coeducational and four girls' training schools found that participation in homosexuality and make-believe families was just as prevalent in coed as in single-sex facilities; that homosexuality was as prevalent in treatment-oriented as in custodially-oriented facilities; and that residents sometimes continued homosexual experiences when they were released, even when their first experience was as the unhappy victim of a sexual rape in the training school.[2] Unfortunately, researchers also found that staff contributed to the violence in training schools. Wooden, an investigative reporter who visited private and public training schools across the Nation, graphically documented the brutal treatment residents received from staff.[3]

The inhumanity of training schools has also received frequent citation in the literature. The fact that noncriminal offenders are frequently confined longer than criminal offenders has been one issue upon which critics of institutionalization have focused.[4] Training schools have also been accused of being society's garbage dumps for minority and poor children, because over half of their residents came from minority groups.[5] Other charges have been that training schools discriminate against juvenile girls who are sent there for less serious offenses than boys, keep girls confined longer than boys, provide fewer programs for girls than for boys, and in most cases, prepare girls only to be housewives when they return to the community.[6] It has been claimed that the mortification and deprivation of institutional life lower the self-esteem of residents.[7] Finally, critics have asserted that the boredom and drudgery of institutional life, characterized by endless days of monotonous programming, is scandalous considering the emotional cost to residents and the financial cost to society.

A number of researchers have also concluded that the basic nature of training schools is criminogenic and that they become "schools of crime" for all who do time within them. It has been generally agreed that the values generated by the inmate subculture, along with the compromises that staff make with residents over unlawful conduct, are the chief reasons for the criminogenic nature of juvenile correctional institutions. Polsky, Fisher, Breed, Rubenfield and Stafford, Bartollas *et al.*, and Feld all described the social roles that pervaded male training schools and formed a major part of the inmate subculture.[8] Giallombardo found that female residents also had social roles, but they were constructed around lesbian alliances and pseudo-family relationships.[9] Sieverdes and Bartollas found that social roles were present in six coeducational juvenile training schools in a southestern state.[10] In addition to the social roles, residents sometimes developed an inmate code which reinforced the values of the subculture.[11] Both the social roles and the inmate code served to alienate residents from staff and to discourage their acceptance of prosocial attitudes. Researchers who examined the microcosm of the inmate culture reported that much of the conversation centered around crime: what they had done, how they did it, and what they planned to do in the future. The more serious crime a youth had committed in the community before confinement, the higher status he or she achieved in the inmate social system. A first-time offender drew this conclusion, "Hey, I didn't know anything about crime when I came here, but I do now."[12]

It is not surprising, therefore, that training schools have high rates of recidivism. The President's Crime Commission noted, in this regard, "Most experts agree that about half of the persons released from juvenile training facilities can be expected to be reincarcerated."[13] In one of the few empirical studies of the recidivism rates among training school releasees, Stuart Miller found that the recidivism rates increased with the number of years after discharge; 4 years after release the recidivism rate was 54 percent.[14]

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[2] Alice Propper, *Prison Homosexuality: Myth and Reality* (Lexington, Mass.: D.C. Heath and Company, 1981).

[3] Kenneth Wooden, *Weeping in the Playtime of Others* (New York: Harper and Row, 1976).

[4] Clemens Bartollas and Stuart J. Miller, *The Juvenile Offender: Control, Correction, and Treatment* (Boston: Holbrook Press, 1978), pp. 336-339.

[5] Rosemary C. Sarri and Robert D. Vinter, "Justice for Whom? Varieties of Juvenile Correctional Approaches," in *The Juvenile Justice System*, edited by Malcolm W. Klein (Beverly Hills, California: Sage, 1976), p. 179.

[6] Lisa Aversa Richette, *The Throwaway Children* (New York: J. B. Lippincott Company, 1969) and remarks made during a lecture by Judge Richette at the Third Annual Juvenile Justice Conference, March 14-18, 1976.

[7] Bartollas and Miller, *The Juvenile Offender: Control, Correction, and Treatment*, pp. 334-351.

[8] Polsky, *Cottage Six*; Sethard Fisher, "Informal Organization in a Correctional Setting," *Social Problems*, Volume 13 (Fall 1965), pp. 214-222; Allen Breed, "Inmate Subcultures," *California Youth Authority Quarterly* 16 (1963), pp. 6-7; Seymour Rubenfeld and John W. Stafford, "An Adolescent Inmate Social System: A Psychological Account," *Psychiatry*, Volume 26 (1963), pp. 241-256; Bartollas and Miller, *The Juvenile Offender: Control, Correction, and Treatment*, and Feld, *Neutralizing Inmate Violence: Juvenile Offenders in Institutions*.

[9] Rose Giallombardo, *The Social World of Imprisoned Girls* (New York: John Wiley and Company, 1974).

[10] Christopher M. Sieverdes and Clemens Bartollas, "Race, Sex, and Juvenile Inmate Roles," *Deviant Behavior*, (1982), pp. [illegible] (in press).

[11] Clemens Bartollas, *et al.*, *Juvenile Victimization*; Christopher M. Sieverdes and Clemens Bartollas, "Adherence to an Inmate Code in Minimum, Medium, and Maximum Security Juvenile Institutions." Paper presented at the Annual Meeting of the Society for the Study of Social Problems, August 24-27, 1979.

[12] Interviewed in April, 1972.

[13] President's Commission on Law Enforcement and the Administration of Justice, *Task Force Report: Corrections* (Washington, D.C.: U.S. Government Printing Office, 1967), p. 142.

[14] Stuart J. Miller, "Post-Institutional Adjustment of 443 Consecutive TICO Releases," (Unpublished Ph.D. dissertation, The Ohio State University, 1971).

Finally, critics, led by such groups as the National Council on Crime and Delinquency and the National Center on Institutions and Alternatives, have challenged the economic feasibility of placing youths in institutions that are so expensive. Some states are spending from $35,000 to $50,000 a year for the institutional care of one juvenile; few states get by for less than $1,000 a month per juvenile. Critics argue: give us that amount of money for care in the community, and we will show you remarkable results.

This assault on juvenile correctional institutions—along with the pressure of litigation brought by residents, the advocacy of concerned citizen groups, and the inhouse reforms of correctional administrators—did effect significant change by the end of the 1970's. First, at a time of skyrocketing prison populations, the number of institutionalized youth dropped during this decade; a 1978 survey by *Corrections Magazine* indicated that there were 26,000 youths in secure and semisecure state facilities, a 28 percent drop from the 36,507 confined on January 1, 1970.[15] Second, the Juvenile Justice and Delinquency Prevention Act, which was passed by the U.S. Congress in September of 1974, led to a withdrawal of status offenders from most state training schools. This act not only resulted in the reduction of institutionalized populations, but forced policymakers to come to grips with the injustice of confining noncriminal offenders with criminal offenders. Third, the fortress-like training school that housed several hundred residents has also essentially gone out of existence. For example, Stonewall Jackson in North Carolina, Lancaster School for Boys in Ohio, and the Iowa State School for Boys all held over 600 residents at one time; their population today is 200 or less. Fourth, the length of institutional stay has declined during the past decade. Fifth, training of staff, especially line-staff, increased dramatically during the past decade. This has enabled security and treatment staff to do their jobs in a more effective and efficient manner. Sixth, the concern about creating humane institutions has led to the establishment of larger numbers of coeducational training schools and the implementation of more normalizing influences in the single-sex juvenile facilities. Finally, staff brutality against residents, which was described in the *Morales versus Thurman* case and in other court cases, is rarely found in training schools today.[16]

Another recent development was that a hard-line approach, brought on by persons incensed by society's "mollycoddling" of teenage hoods and criminals, had gathered momentum and won many converts by the middle and late 1970's. Franklin E. Zimring, director of the Center of Studies in Criminal Justice of the University of Chicago Law School, commented on the consequences of this hard-line approach:

> I think what is happening is that much of the fat has been squeezed out of juvenile correctional facilities over the past two decades. The big question is what's left and who's left. My guess is you're looking at an older, more male minority, and more offense-oriented population than has been the case in this century.[17]

The 1980's: Present and Needed Policy for Juvenile Correctional Institutions

The policy toward juvenile correctional institutions presently accepted by the majority of states includes the following:

(1) Keep minor offenders and status offenders out of training schools. Reserve the use of these long-term facilities for the more serious juvenile offenders.

(2) Transfer violent juvenile offenders to the adult court.

(3) Keep the institutional stay as brief as possible and the size of the training school populations as small as possible.

(4) Prevent staff brutality in any form: striking a resident for whatever reason is usually grounds for dismissal.

(5) Keep the courts out of juvenile corrections by complying with the court-mandated rights of confined juveniles, by establishing grievance processes for residents, by improving staff training, and by more just release procedures.

(6) Retain a commitment to *parens patriae* and rehabilitation philosophy. This means that treatment is required for confined juveniles and that their progress in these rehabilitation programs affects the length of institutional stay.

The present authors have never been proponents of juvenile correctional institutions, because we have found little evidence regarding their effectiveness from studies we have conducted in three state correctional systems and from the time we have spent working within training schools. However, because society appears determined to continue the use of these long-term institutions, we propose some additional policy directions for juvenile corrections.

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[15] Louise Franz, "Corrections Magazine Survey of Juvenile Inmates," *Corrections Magazine*, Volume 4 (September 1978), p. 4.

[16] *Morales* v. *Thurman*, 364 F. Supp. 166 (E. D. Tex. 1973).

[17] Quoted in Rob Wilson, "The Long-Term Trend is Down," *Corrections Magazine*, Volume 4 (September 1978), p. 9.

(1) It would appear from our examination of the literature that more research is needed on training schools. Indeed, most of the empirical studies have focused on four areas: effectiveness of treatment methods and classification systems, the nature and impact of the inmate social system, the effect of organizational goals, and the extent of juvenile victimization.

To improve the quality of life for residents in training schools, we need answers to the following questions: How much variation in institutional impact is there between single-sex and coeducational training schools? How can a milieu be created that will persuade juveniles to become more responsible for their behavior? How is it possible to effect systemwide change in a state correctional system? How is it possible to mitigate the negative attitudes of staff and residents generated by the punishment-oriented setting of training schools? What are the ingredients of effective institutional programs? What are the most effective methods to work with the hard core?

(2) It would appear from our research that the degree of involvement of the staff very much determines the quality of life for residents in training schools. Morale among both professional and nonprofessional staff is typically low. Too many staff presently look upon themselves as stigmatized by the dirty job of guarding prisoners; they commonly feel angry and oppressed by their jobs. Burnout is an occupational hazard that affects too many staff members personally and has a deleterious impact on rehabilitative ideals in the institution. Significantly, in nearly every cottage or dormitory setting we have observed in five states, there is at least one youth supervisor or child caseworker who is exceptional with residents, one who is totally ineffective, and the rest who tend to be on the short-end of the effectiveness continuum. If we want juvenile institutions to be less harmful to residents, staff—especially nonprofessional ones—need more careful selection at the time of hiring, better training, improved salaries, and more recognition on the job.

(3) It would appear from our research that the more normalized the setting, the less violent and criminogenic the peer culture. A normalized and humane setting requires that residents are safe from the victimization of others. It also involves frequent contacts with the community, such as home furloughs, work release, school in the community, and social and recreational activities in the community. Coeducational institutions also provide a more normal and humane setting than single-sex training schools. Also, the more responsibility residents take toward themselves and others, the more humane and normalized the correctional setting.

(4) It would appear from our experience in working in training schools that certain changes are needed in the use of treatment intervention. Treatment should clearly be voluntary and have nothing to do with the resident's release. Treatment programs should use a variety of techniques with institutional youth, chiefly because some youth respond better to one modality than another. Treatment should be rescued from that single bench mark, recidivism, for it is unlikely that any single institutional experiences would deter a youth from future involvement in crime. If a treatment program makes the youth feel better about himself or herself, teaches a valued job or social skill, or provides some direction for the future, then it is an effective program.

(5) It would appear from our experience in working in training schools that aftercare is a key linkage between institutional life and successful community adjustment. Unfortunately, few training schools offer programs that help prepare youths for experiences they will face in the community. Training schools in Michigan and Illinois have established a program that conditionally releases a youth to the community. Under this program, the youth is required to return to the institution one day a week to confer with staff and to deal with problems that have arisen in the community. This type of program is particularly important for those youths who want to make it but are experiencing pressures in the community. It also provides these youths an opportunity to talk with trusted institutional staff members.

(6) It would appear from our research and work experience in training schools that the most effective model to deal with juvenile institutionalization is a logical consequence model. In this model, residents are informed that there is a cost to behavior, and, if they elicit inappropriate behavior, they must experience certain, specified consequences. However, instead of a punishment model, this model is intended to teach residents to think through their actions and to pursue more responsible and constructive behavior.

Conclusions

Juvenile correctional institutions continue to be regarded as a necessary evil. Although they have few friends, society is looking at them more and more to deal with serious juvenile criminals. Most of the criticisms directed to them in the 1970's remain; that is, training schools are still too violent, too criminogenic, too inhumane, and too expensive. Yet, juvenile institutions have changed in some rather significant ways: They are smaller, residents do not stay quite so long, less brutality against inmates from staff is taking place, and fewer minor offenders and status offenders are committed to training schools.

For society to improve further what takes place within training schools, a number of changes are in order: More research is needed, a more humane environment that is safe and lawful must be created, more involved staff are needed, the role of treatment must be rethought, and more attention must be given on ways to link aftercare with the institutional experience. Perhaps training schools will never be popular, and, indeed, they should not be. But officials within the juvenile justice system and governmental bodies that support the juvenile justice system must create more humane long-term institutional care for juveniles who appear to require this type of secure placement.

Learning Disabilities and Juvenile Delinquents

BY H. R. "HANK" CELLINI, PH.D., AND JACK SNOWMAN, PH.D.*

THE PURPOSE of this article is to review and discuss the pertinent studies and information on the possible relationship between learning disabilities (LD) and juvenile delinquency (JD). The Federal Bureau of Investigation's 1980 Crime Reports state that over one-half of all serious crimes in the United States are committed by children and adolescents under age 18, and that juvenile crimes are increasing faster than crimes of a similar adult population. These statistics are startling when one considers the large amounts of time, energy, and money spent on the justice and social services systems in the areas of juvenile crime evaluation, prevention, and remediation. This article will discuss the concept of learning disabilities, the relationship of LD's to JD's, and remediation programs presently in operation and possible treatment strategies.

Learning Disabilities

During the past 20 years children, adolescents, and adults with diagnosed LD's have attracted a great deal of attention from educators, psychologists, and other professionals. Many of these professionals have researched the problems of these individuals with regard to their learning behaviors on both academic and social levels. The term "learning disabilities" was first used by S. Kirk in 1963 while delivering a speech to interested parents of perceptually handicapped children in Chicago. At this time, Kirk cautioned the parents against the dangers of labeling the children and recommended that the term "LD" be defined by certain behavioral characteristics related to specific learning problems (Hallahan and Cruickshank, 1973).

> It is estimated by the Department of Health, Education and Welfare that there are up to ten million children in the United States afflicted with learning disabilities. The problem is not confined to the poor or the wealthy—it is found in every strata of economic and social life in the nation, and may affect only one or all children of a family. The magnitude of the problem of the child is fully as great as that of heart disease or cancer is for the adult. (Weber, 1974, p. 9).

Weber's quote may seem strong when comparing an adult having heart disease or cancer to a child with a learning disability. But can you imagine the essence of life (learning) being a source of constant frustration and self-doubt. This type of life long emotional pain is a reality to many people.

Before the introduction of the term "LD," the individuals with these types of problems were classified by the supposed area of cerebral dysfunction or by suspected causal factors (Clemens, 1966). Several of the different labels applied to behaviors associated with learning problems are: brain-injured, specific learning disorders, maturational lag, psycholinguistic learning disabilities, strephosymbolia, and neurodevelopmental learning disorders (Cordoni, 1976). Other authors, Spears and Weber (1972), claim that over 40 terms have been used when discussing behaviors similar to LD. Some of these common terms are: minimal brain dysfunction, cerebral dysrhythmia, minimal cerebral dysfunction, developmental disability, perceptually handicapped, specific learning disability, delayed neural maturation, developmental dyslexia, hyperkinetic behavioral syndrome, behavioral disorders, language disorders, educationally handicapped, and impulse disorders.

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At first, some of these labels were helpful in describing to other professionals the type of impairment being treated; however, as time went on, it was discovered the labels never accurately described the amount of damage to the nervous system and the range of problems and consequences that would befall the client. It can be seen that the terminology surrounding the concept of LD could easily become a verbal morass. Often children with supposedly similar diagnosed disabilities behave quite differently. Certain LD diagnostic criteria are commonly accepted by most authorities (Kirk, 1972; Gearheart, 1973). The diagnostic criteria are: (a) There must be a serious discrepancy between the child's aptitude and level of achievement; (b) individuals must possess at least an average intelligence; and (c) no sensory impairments (hearing loss, sight problems) are left untreated. Even these criteria are quite vague as the terms "aptitude," "achievement," and "average intelligence" are all involved in the controversy surrounding culture fairness of most psychometric measures.

The definition accepted for this article, as in most current literature regarding the concept of LD, is defined by Federal Public Law 91-230, section 602 (1970) as follows:

> The term "children with specific learning disabilities" means those children who have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. Such disorders include such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Such terms do not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, or of environmental disadvantage.

Learning Disabilities and Juvenile Delinquency

The possible link between LD and JD has sparked the interest of increasing numbers of parents, professionals, and researchers. Many of these people are convinced that a link exists, while the opposing camp is just as positive that no causal connections have been or will be found.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) of the U.S. Department of Justice began a systematic effort in an attempt to understand the LD/JD controversy. The American Institute for Research (AIR) was hired in 1975 by OJJDP to summarize the most popular theories and information about the relationship between LD and Delinquency (Murray, 1976). AIR used a three-step approach to investigate the available material on the possible LD/JD link. First, AIR performed a literature search of library collections, relevant Federal agencies, and the abstract services of various professional associations. Next, 46 consultants who were active and respected in areas related to aspects of LD's, delinquency, or in both of the areas, were interviewed. Finally, all existing Federal projects, which were attempting to identify and treat learning disabilities, were examined. The primary concern of the latter examination was to ascertain if any impact was being made on the LD or JD populations.

After reviewing the above information, AIR was commissioned to draw preliminary conclusions about the possible link between LD/JD populations. From these conclusions, policy recommendations would be made which were to direct Federal funding in the juvenile criminal justice system. Due to the extreme importance of this study to the field of criminal justice, it will be reviewed extensively. The study has summarized previous research quite adequately, which lends itself to being the best review of the literature prior to 1976.

The AIR report contended that two models represent the basic and most frequently used logic for the support of a possible LD/JD relationship. The first model was labeled the School Failure Rationale, which delineated a series of events which linked the process of school failure to LD and JD's. This process begins with a child who has a LD and, because of this handicap, continually fails in normal school curriculums. These failures at school lead to a labeling process by which the LD child is seen negatively by teachers, peers, and adults. Eventually the individual begins to perceive of him/her self as deserving the negative labels which have been applied. This acceptance of a negative self-image results in a tendency for the child to drop out of school and associate with delinquency prone people. This association then is assumed to often lead the child into delinquent behavior.

The second model, the Susceptibility Rationale, states that many types of LD's are diagnosed in conjunction with personality attributes; such as, the inability to see causal relationships, little awareness of social cues, impulsivity, and emotional immaturity. These combinations of behaviors and traits act as liabilities in social situations. These liabilities in social adaptive behaviors supposedly lead to an increased probability of delinquent behavior.

The AIR study concluded that articles and speeches on LD's and JD's often operate on the assumption that the relationship between LD/JD is already established; but, as of the end of 1975, the study concludes that:

> The existence of a causal relationship between learning disabilities and delinquency has not been established; the evidence for a causal link is feeble. (Murray, 1976)

The AIR authors contend that the studies completed by the end of 1975 were so poorly designed that they cannot be used to make even rough estimates of the possible link between LD's and JD's. The report outlined various methodological problems with studies completed before 1976 and then made recommendations on how to improve future studies. The problems with studies completed before 1976 are as follows: (1) no comparative studies of the prevalence of learning disabilities in delinquent and officially nondelinquent populations existed; (2) reliable estimates of the prevalence of learning disabilities were almost impossible because of problems in definition, diagnostic accuracy, procedural inaccuracies, analysis of data, and reporting difficulties in the investigations; and (3) no significant studies comparing the development of learning-disabled and non-LD children existed.

The AIR report mandated that research in the field of LD/JD be based on valid constructs with sound definitions, and that good methological procedures be used.

Clarification of this position was given and reinforced by two authors (Nassi and Abramowitz, 1976), who discussed research standards usually abused in studies attempting to link criminality to biological causes. The abused measurement standards include the following: (a) careful investigation and measurement techniques, (b) extreme care in interpreting, finding, and making conclusions, (c) using valid controls for comparison with experimental groups, (d) randomization of samples; and (e) the proper definition of the phenomena under study.

The AIR report made two final programming recommendations to OJJDP. The first recommendation was that because of the observational data given by professionals who work with this population, the authors believed that more research was warranted. The authors suggested that the term "learning disability" be abandoned in place of the term "learning handicap." The change was recommended as an aid in reducing the negative labeling affect associated with the word "disability." The second recommendation was that a project be formed to ascertain the value of treatment programs designed for the remediation of LD's as a possible aid to the habilitation of the juvenile offender.

The OJJDP in October 1976 funded a program based on AIR report recommendations. This project was finished in August 1980; and, even though the final report is not released, a preliminary report is available. Two agencies have jointly received this Federal grant: the Association for Children with Learning Disabilities (ACLD) and the National Center for State Courts. The diagnostic and treatment programs tested for this major study were located in Baltimore, Maryland; Indianapolis, Indiana; and Phoenix, Arizona. The project goal is to provide information designed to assist the development of future programming efforts regarding delinquency prevention.

The Association for Children with Learning Disabilities had the responsibility of providing the remediation programming, while the National Center for State Courts is responsible for the program's evaluation and any other research components associated with the project. The National Center subcontracted with Educational Testing Service to provide the necessary testing for diagnostic evaluations of learning disabled and nonlearning disabled groups.

The Educational Testing Service employed two steps to make the LD classification. The first step was accomplished by a review of the subjects' school records. The researchers were looking for information that would exclude children whose grades or test scores indicated that they were normal for their age. The mentally retarded and physically handicapped were also excluded from the population. If poor academic performance was indicated by low grades or low achievement test scores, the persons were referred for further testing. The diagnostic tests used in making the LD/Non-LD classification were: Wechsler Intelligence Scale for Children (or Wechsler Intelligence Scale for Adults) where appropriate, Key Math Diagnostic Arithmetic Test, the Woodcock Reading Mastery Test, and the Bender Visual-Motor Gestalt.

It must be noted that the decision guidelines include discrepancies among test scores (ability and achievement), evidence from other test sources like the Bender, and the use of clinical judgment. The testing procedures designed by the Educational Testing Service are now being used by many other researchers in an attempt to add some consistency to the diagnostic efforts.

Now back to the study under discussion. Before stating the initial finding of the ACLD study, it becomes necessary to define the term "juvenile delinquency." For years defining juvenile delinquency has been a serious problem due to variations among statutes and in the treatment of juvenile offenders from one local to another. Because of the variations from one jurisdiction to another, the researchers had to develop an operational definition for juvenile delinquency, as they did with the concept of learning disability. After examining two alternative approaches, legal criteria and behavioral criteria, the researchers choose to use the legal criteria as their method of measuring delinquency. When a child was adjudicated by the courts they were then placed into the JD population.

Many estimates of the prevalence of LD have been made using various types of test batteries and criteria. This is especially true in studies completed before the AIR report. Because of the different diagnoses and tests used, an accurate estimate of LD's in the general population is quite difficult. Estimates for the general population range from 7 to 10 percent (Graydon, 1978; Murray, 1976), while the estimates for the prevalence of LD in juvenile delinquents run from 26 percent to 49 percent (Comptroller General of the United States, 1977; Podboy and Mallory, 1978; Poremba, 1967).

Using the ETS's definitions, tests, and procedures, the ACLD test results on approximately 1,300, 12 to 15 year-old boys in the cities of Baltimore, Indianapolis, and Phoenix, indicated that 16 percent of the officially nondelinquent children are LD while 32 percent of the delinquent population were found to be LD. Now even though the amount of LD's in the delinquent group was twice the size of the nondelinquent group, the study concluded that the evidence is not sufficient to establish LD's as a causal factor in delinquency. The authors agree, though, that some type of relationship does exist and justifies further investigation into the exact nature of the relationship (Kelitz, Zaremba, and Broder, 1979).

One study (Berman, 1975) used five predictors of LD with a group of juvenile delinquency to construct a matrix for classification of delinquents. The five predictors were Wechsler Intelligence Scale, Wide Range Achievement Test, Halstead's Impairment Index, Trailmaking Test Part A, and Trailmaking Test Part B. These measures, according to Berman, discriminated significantly between the delinquent and nondelinquent groups with 87 percent of the delinquents and 78 percent of the nondelinquents control group. According to Berman, the Performance IQ and Impairment Index were the most powerful individual predictors. The authors contend that being able to successfully use neuropsychological functioning indicators to classify delinquents gives credence to the assumption that learning deficiencies are an etiological factor in a high number of delinquent cases. The Halstead-Reitan tests were designed to use in diagnosis of brain lesions and because of this, no reliability data are available for use with the LD population.

Authors Jerse and Fakour (1978) state that delinquents often can be considered as academically deficient. The indicators used in this study were the delinquents' school records and their test scores on the Iowa Test of Basic Skills.

With consideration still being given to AIR report recommendations (Murray, 1976), many researchers have still pursued the work of relating LD/JD's. Once such study conducted by Podboy and Mallory (1978), changed the name of their diagnostic label to learning handicap as AIR report recommended. The authors, though, choose to retain the word "disability" in the title contrary to AIR's recommendations. They titled their article "Learning Handicap: The Underdiagnosed Disability." What the authors did in this study was to test juveniles who were incarcerated in a facility in California. The facility was a juvenile detention home, which held the subject from 8 hours to 6 months. The median age for the group was 16 years 8 months. Their purpose was an attempt to develop a brief, but comprehensive, screening battery that paraprofessionals could administer. After clinical information was gathered, the battery of eight measures was administered. The tests used were:

1. Peabody Picture Vocabulary

2. Wide Range Achievement Test, Reading
3. Wide Range Achievement Test, Spelling
4. Gates-MacGinities Reading Test: Comprehension
5. Babcock Story Recall Test
6. Bender Visual Motor Gestalt
7. Wechsler Intelligence Scale for Children (WISC)
8. (a) Wechsler Adult Intelligence Scale (WAIS)-Block Design
   (b) Wechsler Intelligence Scale for Children-Block Design

Diagnosis of LD was made when a subject was of at least normal intelligence and showed at least 2 years discrepancy between aptitudes and current level of achievement. The discrepancy could not be attributed to the subject being developmentally disabled (mentally retarded). This diagnosis of developmentally disabled was made when an individual registered an IQ score below 80 on the WISC or WAIS. Using the WISC and WAIS, which necessitates a trained and certified professional, seems to defeat their goal of developing a test battery that can be administered by paraprofessionals. The authors claim that the diagnosis of LD was made quite conservatively. Using these procedures the authors found that nearly one-half of the sample was LD. When comparing the incidence of LD in this population (48.9%) to the reported national averages for the general population (5 to 10%), we can see that quite a difference exists. The authors conclude that:

> A failure to diagnose and attend to a learning disability may interrupt the rehabilitation process, unwittingly compound the problem and contribute to compensatory acting-out on the part of the youth. On the other hand, if learning disabilities are identified during the intake process and the disabilities remedied, significant benefits may be realized in both social and personal terms. (Podboy or Mallory, 1978)

Dissenting Views

Many experts choose to doubt the concept of LD's, while other authors believe that LD's are a reality, but doubt their relationship to JD's. This section will discuss some of the literature that expresses dissenting views of LD's and the LD/JD relationship.

The Justice Department's publication of the AIR report titled, "The Link Between Disabilities and Juvenile Delinquency, Current Theory and Knowledge," (Murray, 1976) discusses several problems the consultants had with the concept of LD and, also, how the term has been used. The consultants described three major areas of controversy related to the conceptual validity of LD's. The first major controversy centers on the extent to which LD's exist independently of standardized definitions and diagnoses. The term "dyslexia" demonstrates one example of how society creates the need to read, then diagnoses the individuals who have trouble adapting to its system as having a disability. The consultants believe that if the word "school" was substituted for "'society," many other symptoms of LD would not be seen as disabilities, but just as behaviors which do not match norms.

The second issue the consultants discussed was the extent to which LD's were a function of a developmental lag. It was agreed by most of the consultants that LD associated behaviors seem to disappear or, at least, moderate during adolescence. Many believe that the implications of this developmental issue is often ignored. The fact may be, according to some, that there is nothing wrong with most people diagnosed LD, except that their developmental timing is out of synchronization, when comparing them to members of their own age group. The consultants think that the label of LD may be unfair to the child and may also be an obstacle to clear thinking on how to deal with the adaptive learning problems these people do have.

The third conceptual disagreement concerns the vagueness of any definable etiological underpinning for LD's. Many authors claim neurological causes for the behaviors called LD. But, over the years little progress has been made in tracing these behaviors back to any neurological problems. The consultants concluded that:

> Thus when a definition of LD tries to employ etiological characteristics as a means of distinguishing "LD" from "not-LD", it leaves itself open to a number of theoretical objections. A principal one is the charge that the assumption of an organic cause triggers further assumptions that we should be looking for ways to "treat" and "cure" LD with medication and new instructional techniques. This quasi-medical model, the critics charge, is an unrealistically antiseptic approach. It ignores the many ways in which LD phenomena do interact with the environment and with institutional norms. (Murray, 1976)

One researcher (Campbell, 1978) studied the prevalence of LD in a group of 12 to 15 year-old delinquent and nondelinquent boys. The procedures used were those described in the ETS research guidelines. The assessment battery included the following tests on which the determination of LD was to be made: WISC-R, Woodcock Reading Mastery, Key Math, and the Bender Gestalt. Campbell reports that his data indicated that a boy who is LD is not necessarily going to become delinquent. The author stated in his population that more LD's were present in the nondelinquent sample than the delinquent sample.

The scholarly disagreements continue with some new studies claiming that the incidence of LD in JD populations is high, while other professionals still say that the relationship between JD and LD is feeble at best. The scholarly issues are important, but let's not lose sight of the fact that many people with specialized learning deficits need help. Most of the authors of the studies which disagree on the intensity of and numbers of LD's in JD populations agree that a problem exists. These needs seem to be met by remediation programs that not only deal with the educational needs of these clients, but also with the emotional and behavioral ramifications that are coupled with their problem learning.

Instructional Remediation of Learning Handicaps in Delinquents

Bachara and Zaba (1978) discuss the effects of academic remediation of 21 female and 58 male learning handicapped juvenile offenders. The offenders consisted of 47 black and 32 white individuals whose ages ranged from 14 years, 10 months to 16 years, 11 months. These juveniles in school were at least two grade years behind their fellow students in reading and over 90 percent of the juveniles were far behind their class in all academic subjects. All of the subjects fell within average or above average IQ ranges and were from all socioeconomic groups, though the majority of subjects were from the lower socioeconomic group. In all of these offenders, learning deficits were considered to be the primary problem.

The data collected over a 3½-year time period indicated that the juvenile offenders who were provided with perceptual motor training, special education techniques, and tutoring exhibited a significantly lower recidivism rate than those who were not offered remediation sanctioned through the juvenile courts. The subjects were divided into two groups with group A being the untreated control group. The data indicated that 41.6 percent of group A (20 of 48) had additional trouble with the court system, while group B, the group with academic remediation, had a recidivism rate of 6.5 percent (2 of 31). One methological problem with this study was that the subjects were assigned to remediation programming by judges in a nonrandomized procedure.

Two authors (Foster and Berstein, 1979) recommend that structured programming be advocated for the inoculation of social skills among the high percentage of juvenile delinquents who suffer from learning problems. These authors contend that many of these adolescents entering the juvenile justice system have never learned "normal" social behavior. Since they have never learned proper behavior, many types of professional counseling or social work interventions will prove useless, because most counseling systems assume juveniles can perceive proper social clues and choose not to do so. With the learning handicapped youth the matter of free choice may not be a reality. The authors believe that small group instruction, one-on-one tutoring, formal programming in social skills training, and using reinforced repetition in all teaching techniques would help the learning handicapped juvenile adjust to society and learn more rapidly.

Reporting on Project LEARN in St. Louis County, two authors (Sawicki and Schaeffer, 1979) found that out of the 125 randomly selected JD's that 7 percent were non-LD, 16 percent were within the mentally retarded range, and 77 percent were diagnosed LD. Relating LD to the offenders' criminal histories found that the juveniles with the most severe learning problems usually had the longest lists of offenses. The authors contend that these children need to be identified earlier so remedial education programs designed to meet their specific needs, as separate from the educatable mentally retarded could be met. The authors go on to say that the courts, the school, and the community share equally in any attempt to implement the holistic training necessary to aid this group of offenders.

Conclusions

In summary, throughout the literature many authors have chosen to accept the concept and label of LD as a valid behavioral state. These authors contend that it is unfair to the individuals diagnosed LD to use tests designed for normal functioning children as a measure of the severity of these persons' "disability." Obviously, these children (and later adults) have problems learning through curriculums designed to instruct the normal child, but this should not place the responsibility totally on the student. The educational, juvenile, and adult justice systems need to develop special programs to work with these individuals. The authors recommend that:

(1) Community educational programs be offered to parents and concerned individuals on learning problems and that these programs should offer information on the LD's special needs. The program-

ming should stress that these individuals are of normal intelligence, but for some reason, which we as professionals are not sure of, need educational methods different from the majority of students.

(2) Governmental and educational programming should be directed toward remediation of the current problem in individuals with these learning problems and that special techniques be tested and researched in an attempt to allow for the early identification of the problem in prekindergarden programs or, at least, early in the child's elementary educational experience. There is no reason to wait until the child is adjudicated to begin concern with their special educational needs and rights.

(3) Workshops for students could be developed which will act as a format for providing relevant information on the problems of socialization in our society. The concept of LD could be part of a programming trust which includes such pertinent topics as parenting techniques, drug abuse, career choice, sex education, and others. These workshops could begin early in the child's educational training with programming becoming more comprehensive as the child ages.

Even though from a purely scientific perspective the concept of LD needs further examination, we must never lose sight of the practical reality that many people's needs are not met by educational and psychological programming as it stands today. Serious learning deficits exist and need specialized, often individualized, solutions. Unfortunately, many of these individuals quit school early and afterwards end up as offenders in our criminal justice system, where confinement, not remediation, is the primary consideration.

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A Social Learning Theory Model for Reduction of Correctional Officer Stress

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THE IMPORTANCE of the role of the correctional officer in both the rehabilitation and custodial aspects of the prison system has become increasingly apparent in recent years (McCall, 1979; Pogrebrin, 1977). However, the role of the correctional officer is a highly stressful one (Cheek and Miller, 1979) and it appears that the officers are experiencing difficulty coping effectively with the stress. This difficulty has been manifested in various behavioral, emotional, and physiological problems and is becoming a major concern of correctional administrators (Dahl, 1979). This article addresses the issue of stress for correctional officers by reviewing three different areas: situational stressors for correctional officers; stress reactions demonstrated by correctional officers; and methods currently used by correctional officers to reduce stress. Finally, methods which have been developed by social learning theorists to reduce stress and a social learning model for reduction of correctional officer stress are presented.

Situational Stressors for Correctional Officers

The environmental factors which may be considered stressors for correctional officers can be divided into three categories: stressors internal to the correctional system; stressors of correctional officer work itself; and stressors external to the correctional system. The categories have been adapted for correctional officers from the work of Stratton (1978 A,B) who investigated stressors for police officers.

Stressors internal to the correctional system.— Correctional officers have consistently reported that their most frequent source of stress involved administrative problems. The officers attributed the most stress to lack of communication with superior officers (Duffee, 1974; Jacobs, 1978; Cheek and Miller, 1979 A) and a lack of standardization of policies in dealing with inmates (McCall, 1979; Cheek and Miller, 1979 A). Correctional officers reported that they did not receive adequate opportunity to contribute to decision-making involving the institution in which they were employed (Cheek and Miller, 1979 b) and described themselves as unsure of their role and the services they were to perform (Cressey, 1959; May, 1976; Pogrebin, 1978).

The ambiguity and role conflicts which the correctional officers reported experiencing may be a direct result of the custody versus treatment dilemma (Cressey, 1959; Grusky, 1959; Hosford, George, Moss and Urban, 1975). In this situation, correctional officers are expected to comply with two inconsistent but legitimate patterns of role expectations. As a guard, they are to be firm and objective in maintaining order and security within the institution. As rehabilitative treatment-specialists, the officers are expected to be empathic and sensitive to the individual needs of the inmates. This conflict may be responsible for many of the stressors internal to the correctional system.

In addition, while most officers are expected to function efficiently in their treatment-specialist role, they have received little training in this capacity (Farlekas, 1975; Johnson, 1977; Wittmer, Lanier and Parker, 1976). This lack of training makes it difficult for the correctional officers to perform their jobs well. Many of the correctional officers have a negative view of the newer treatment rehabilitation attempts and resent having to perform in this manner (Teske and Williamson, 1979).

Stressors of correctional work itself.—Although correctional officers cite administrative and role conflicts as the greatest source of stress, they also report stressors which arise as they perform the duties of a correctional officer. These stressors appeared to revolve around the officers' interactions with the residents and the environment in which they work. The inmates experience numerous crises, and the officers are expected to solve problems (Johnson, 1977). However, the prisoners often resent and are unappreciative of the officers (Brodsky, 1977). The residents also often generate exaggerated rumors of staff racism and prejudice and proclaim the lack of qualification of the officers (Menard, 1978). Therefore, worries about staff-inmate confrontations (Johnson, 1977), job violence (May, 1976) and danger (Brodsky, 1977; Jacobs, 1978; McCall, 1979) are often reported as correctional officer stressors. Additional correctional officer stressors are the reported boredom of the job, the need to become alert on a moment's notice, feelings of vulnerability which come from being outnumbered by residents and the lack of a means of self-defense. Finally, the officers may be subject to legal prosecution since many individual state constitutions and statutes allow prisoners to bring legal actions against the officers for a variety of alleged transgressions (Jochums, 1978).

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Stressors external to the correctional system. — Correctional officers cited as a stressor the lack of public acceptance for the job they perform (May, 1976; McCall, 1979). Within the past several decades, correctional officers have been portrayed in movies, literature and television as stern, brutal disciplinarians who mistreat and abuse prisoners (Jacobs, 1978; May, 1976). Because of this, many officers felt that they were a stigmatized minority and were often embarrassed or hesitant to reveal their occupations to others (Johnson, 1978).

Correctional officers reported stress due to low pay (Farlekas, 1975; Menard, 1978) and the need to take second jobs to help with financial problems (Menard, 1978). As additional stressors, the officers cited low morale (Cheek and Miller, 1979 A) and the feeling of being trapped in their jobs with few alternative vocational choices (Brodsky, 1977). Most officers reported little formal education (Jacobs, 1978) and few specialized vocational skills (Brown and Sisson, 1978).

It appears that correctional officers are in a position in which they are exposed to stressors at work within the correctional system, external to the correctional system and on an individual basis. An examination of the correctional literature also suggests that the officers are experiencing difficulty coping with these occupational stressors.

Stress Reactions Exhibited by Correctional Officers

Individuals who are experiencing difficulty coping with stressors manifest this difficulty in emotional, behavioral and physiological response systems (Bandura, 1977). A review of the correctional literature indicates that correctional officers are showing reactions to stress in all three components. However, because of the interactive nature of the physical, emotional and behavioral components, it is difficult to easily categorize these reactions. In considering the following manifestations of stress reportedly experienced by correctional officers, it is necessary to bear in mind the interrelatedness of the three components.

Correctional officers manifest numerous physical symptoms which indicate a difficulty adjusting to a stressful situation. Cheek and Miller (1979 A) cited statistics revealing that problems of the "heart, alcoholism, and other allied emotional disorders" accounted for 60 percent of the time off for disabiliity for New York State Correctional Staff and that the rate of disability for the staff was 300 percent higher than the average for state employees. They also reported that the rate of heart attacks among correctional officers was one of the highest among groups of state employees. The 143 New Jersey correctional officers surveyed by Cheek and Miller (1979 A) had higher incidence of hypertension, hay fever, ulcers, heart diseases, diabetes, gout, gall bladder problems and hypoglycemia than a sample of police officers. Brodsky (1977) interviewed 21 prison officers who had filed industrial accident claims for service-connected disabilities, and he found that these officers reported a variety of somatic problems. These problems usually involved musculoskeletal tension (headaches, backaches, etc.) but included gastrointestinal complaints, cardiovascular problems, visual problems and urinary tract disruptions. Brodsky pointed out that these officers had shown no history of behavioral disturbances and had not been described as chronically anxious or emotionally unstable prior to their employment in the correctional setting. Thus, it appears that correctional officers, as a group, demonstrated a high incidence of somatic complaints potentially related to physiological arousal to stressful situations.

An examination of the correctional literature also suggests that the officers behave in a manner which is indicative of difficulties coping with their occupational stressors. McCall (1979) reported that correctional officers voiced a variety of grievances with their jobs and admitted to neglect of their duties. Interpersonal problems such as callousness, argumentativeness, apathy, and withdrawal appeared to increase as they worked as correctional officers. Many correctional officers found work conditions so unsatisfactory that they boycotted their jobs. The Ohio Department of Rehabilitation and Corrections experienced 10 strikes since 1975, and in Pennsylvania, officers boycotted via sick calls 13 times between 1970 and 1976 (May, 1976). Other officers reacted to the job stress by resigning, even in times of relative high unemployment. In Louisiana and New Mexico, the annual turnover rate of correctional officers in the early 1970's was 74 percent and 65 percent respectively, and many maximum security prisons throughout the United States lose an average of half of their new officers every year (May, 1976).

In addition to the avoidance of duty, the withdrawal from work, and difficulty coping with stress that correctional officers demonstrated on the job, the officers showed difficulty coping with the stressors of their personal lives. Correctional officers surveyed by Brodsky (1977) complained of obsessive ruminations about work, nightmares, difficulty sleeping, depression and lowered self-esteem. Many officers reported marital and family problems, and claims of excessive usage of alcohol were frequent (Farlekas, 1975). The divorce rate for correctional officers in New Jersey was 20.9 percent, twice as high as the state average (Cheek and Miller, 1979 A).

An evaluation of this information indicates that correctional officers need to develop more effective ways to cope with occupational stress. Presently, they experience high incidences of stress-related physical symptoms and behavioral and emotional problems both at work and in their personal lives.

The next section focuses on the methods which are currently being utilized by correctional offices to reduce stress.

Methods Being Utilized To Reduce Stress

Correctional officers work in a situation in which there are many stressors, and they experience difficulty handling these stressors. There are two general approaches to deal with the problem of stress: to change the environment to reduce stressors or to help correctional offices develop skills to more effectively cope with stressors. Although various authors have suggested methods to improve the institutional environment to reduce stress, such as changing managerial styles (Cheek and Miller, 1979 b, 1980), early identification of unsuitable officers (Brodsky, 1977), and increased staff-officer communications (Johnson, 1977), this article examines the second approach to working with correctional officers to develop skills to better deal with the stress of their occupations. First, methods that correctional officers currently use on an individual basis to cope with stress are presented and, then, a review of the training programs which have been used to help officers reduce the impact of stress is presented.

Individually applied stress reduction methods.—Cheek and Miller (1979 A), May (1976), and McCall (1977) enumerated a variety of naturally occurring methods which correctional officers have reported using to cope with the stress of their jobs. The methods most frequently reported by the officers appeared in most cases to be primarily passive. Included among these methods were listening to music, talking to family, friends and other officers, having sex, reading or other hobbies, withdrawing from on-the-job involvement, refusing to talk about work after hours, taking vacations, and increasing physical exercise. The officers appeared to rely on methods which helped them to develop outside interests and to withdraw or establish distance between themselves and their work situations. Surveyed officers reported that formal therapy, breathing exercises, massages and the use of prescription and nonprescription drugs were used infrequently (Cheek and Miller, 1979 A). An evaluation of this information suggests that the officers are making attempts to deal with the stress of their job but that they utilize a limited number of the available alternatives and those they choose are predominantly passive or distant from the work situation.

Institutional training programs.—A review of the correctional literature reveals that the correctional system has recently made some attempts to assist correctional officers in dealing with their occupational stressors. However, work in this area has progressed slowly. In most cases, authors have carefully documented the reason for stress in the correctional setting and the results of this stress but have been vague concerning precise methods to reduce stress. For example, Dahl (1979) presented a 3-day, 15-hour training program manual which sought to assist correctional administrators in the development of individualized stress management plans. The program offered a comprehensive range of topics such as the General Adaptation Syndrome (Selye, 1956; 1974), identification of adaptive and maladaptive stress reactions and identification of stressors. Unfortunately, the program offered no specific methods for coping with stress.

A common suggestion made by several authors is that correctional officers should learn relaxation techniques, utilize biofeedback equipment, or begin exercise regimes to help reduce the effects of the high stress occupation (Bonney & Genz, 1978; Vattano, 1979; Wallace, 1978). No formal relaxation, exercise or biofeedback instructional programs could be located in the correctional literature.

The majority of the programs available sought to help officers manage stress by teaching them a variety of job-related behavioral skills. Unfortunately, methodological problems, such as lack of objective data collection (Brandes & Brasier, 1976; Wittmer, *et al.*, 1976) and no control groups (Goldstein, Monti, Sardino, and Green, 1971), prevent adequate determination of the efficacy of many programs.

In cases where more controlled evaluation was conducted, programs to teach correctional officers job-related skills were generally found to be effective. For example, officers who took part in six 1-day training sessions and were then rated as they counseled inmates correctly employed more of the counseling steps, used more positive reinforcement, and demonstrated better overall counseling skills than a delayed treatment group of correctional officers (Hosford, *et al.*, 1975). They also showed significantly more knowledge on an objective test of theory and practice.

Katrin (1974) reported a training program for officers in a women's prison which sought to increase empathy, respect and genuineness in communication between officers and inmates. After training, the officers rated statements in terms of the amount of empathy communicated and role played some examples from personal experience. The correctional officers' ability to communicate with greater empathy, respect and genuineness and decrease inmates' anxiety was found to have increased from pretreatment levels.

Smith, Milan, Wood, and McKee (1976) attempted to teach correctional officers the principles of behavior modification to use in their work with inmates. The trained officers, in comparison to nontrained peers, increased their application of behavior modification techniques and increased both the total number and proportion of positive interactions with inmates. These officers also voiced more concern for the welfare of inmates and less punitiveness after completing the training. Thus, it appears that programs which teach job-related behavioral skills may indeed improve the skill repertoire of the officers. Although this is an important aspect in stress reduction, it appears to be somewhat limited in effectiveness and narrow in focus. Skill training is made the entire thrust of treatment while the cognitive and physiological components of stress are ignored.

Other programs designed to help correctional officers deal with stress focus primarily on interventions dealing with the cognitive component of stress reactions. Katsampes (1975) offered training classes which attempted to change correctional officers' attitudes and role concepts through participation in group discussions. The officers were asked to respond to nine hypothetical situations before and after training. Their responses were judged to be significantly more positive after training. It should be noted that, although the program's leaders encouraged the officers to use decisionmaking skills, no attempts were made to teach the skills. Duffee (1974) reported a 52-week series of discussions among officers organized around relevant work problems. The only evaluation of this program's efficacy was that it produced fairly rewarding results for six correctional officers and resulted in helping the participants adopt researchers' attitudes to ameliorate their problems. No objective data or experimental control groups were utilized to evaluate the efficacy of the discussions.

In summary, correctional institutions have not developed adequate programs to reduce correctional officers' occupational stress. Although the problem has been recognized, more attention has been placed on describing the problem and offering somewhat vague suggestions than attempting to provide empirically validated corrective procedures. It is difficult to evaluate the procedures that have been suggested due to lack of empirical data and adequate experimental controls. The extant programs may also be criticized as being limited in scope. Often they only intervene in one or two components of stress reactions instead of addressing all three components of stress. The multifaceted approach to stress reaction of the social learning theorists, which emphasized the physiological, cognitive, and behavioral components of stress reactions and includes a thorough assessment of the individual, is suggested as a model which would comprehensively deal with stress for correctional officers.

Clinicial Interventions Available in Social Learning Literature

Social learning theorists have advanced a comprehensive model of human behavior which has lead to the development of multifaceted approaches to stress reduction. Bandura (1977) examined human behavior in terms of reciprocal determinism or a continuous reciprocal interaction among person variables, behavior and environmental determinants. Individuals are seen as active forces in their growth and development rather than as passive agents affected by external stimuli. Bandura and other theorists (Lazarus, 1966, 1977; Navaco, 1977, 1979; Sarasen, 1975) emphasized the critical role of cognitive evaluation of the situation and personal ability to cope with it in eliciting physiological responses, emotional states and behavioral performance.

As derived from social learning theory, an interactive model of stress acknowledges the role of environmental stressors and the resulting stress reaction manifested in physiological, behavioral and emotional arousal. It goes on, however, to place emphasis on the role of cognition in mediating environmental stressors and the resulting responses. Individuals are seen as actively appraising the situation and the skills required to cope adequately. They also evaluate the skill they possess and appraise their own ability to deal effectively with the situation. It is when perceived stressors exceed appraised personal resources that stress is experienced.

According to the social learning theory of stress, attention to the cognitive, physiological and behavioral components is essential if a stress reduction program is to be considered comprehensive. This section selectively reviews social learning strategies which address these dimensions and which may be applied to the problem of stress. The techniques are divided into four broad categories: relaxation training, cognitive restructuring, behavioral skills training and stress inoculation training.

Relaxation training.—Relaxation techniques have had wide-spread acceptance in clinical psychology (Bernstein and Borkovec, 1973). A variety of techniques have been used to teach regulation of muscle tension and induce relaxation (Benson, 1975; Bernstein and Borkovec, 1973; Budzynski, Stoyva, Alder, and Mullaney, 1973; Boldfried and Trier, 1974; Shultz and Luthe, 1969). Evidence exists that forms of relaxation training have been helpful procedures in the treatment of disorders including hypertension (Taylor, Farquher, Nelson and Agras, 1977), insomnia (Nicassia and Bootzin, 1976), tension headaches (Budzynski, *et al.*, 1973), and general anxiety (Snyder and Deffenbacher, 1977), which are all reactions often associated with difficulty coping with stress.

Cognitive restructuring.—Cognitive restructuring teaches individuals to change their maladaptive cognitions and emit more adaptive cognitive responses which decrease arousal and improve performance (Meichenbaum, 1975, 1977; Michenbaum and Novaco, 1978). Ellis (1962) developed a therapeutic system which is based on modifying the individual's belief system. Ellis' rational emotive therapy seeks to help clients recognize that their irrational beliefs, expectations or assumptions are responsible for their emotional distress and to substitute a more rational and realistic way of evaluating situations. Beck (1976) offers similar techniques to help patients' distortions in their views of themselves and their world.

Positive therapeutic results have been shown when various forms of cognitive restructuring have been used in working with depressed individuals (Beck, 1976), institutionalized schizophrenics (Meichenbaum, 1977, neurotics (Ellis, 1962), and in habit control (Mahoney, 1974). A third category of intervention offered in social learning deals primarily with change in the behavioral component.

Behavioral skills training.—Social learning theorists have long recognized the importance of behavioral skills training (Bandura, 1977). Individuals who lack adequate behavioral skills are usually ineffectual in coping with stressful situations and correctly perceive themselves as coping poorly. This further increases stress on the individual. Behavioral skills training is designed to increase the range and competence of individuals' response alternatives to help them develop the potential to cope more effectively.

The behavioral literature offers an extensive variety of skills training programs but several basic facets are included in all programs (Meichenbaum, 1977; D'Zurilla and Goldfried, 1971; Lang and Jakubowski, 1976). First, instructions and discussion of the various skills are presented. The second component involves modeling of the appropriate behavior. After the desired behaviors are modeled or demonstrated, the participants are given ample opportunity to practice the skills through role playing or acting out simulated situations. Group leaders and other participants then offer coaching and feedback. Participants are provided reinforcement for success as they practice the skills. The skills are presented in graduated heirarchical steps and are often practiced between sessions through homework assignments which allow the participants to progress slowly but effectively.

Stress inoculation training.—A procedure called stress inoculation training combines relaxation training, cognitive restructuring and behavioral skills training (Meichenbaum, Turk and Burstein, 1975; Novaco, 1979). Stress inoculation training involves three phases. The first phase, educational in nature, is designed to provide the individual with a conceptual framework for understanding the nature of stressful reactions. In the second phase, cognitive and behavioral coping skills are provided. The cognitive skills training involves the introduction of adaptive self-statements that can be employed at stressful times. The behavioral skills training offers a variety of strategies for improving interpersonal communication. Relaxation training is also included in most stress inoculation programs. The final phase of stress inoculation training is designed to provide the participants with an opportunity to practice their skills and employ them in both laboratory and real life situations. Stress inoculation training has been applied successfully with a number of clinical populations including phobics, anxiety neurotics, and pain and anger control patients (Meichenbaum and Novaco, 1978; Meichenbaum, *et al.*, 1975; Novaco, 1977a; 1979). Novaco (1977) suggested that stress inoculation training for anger management might be an effective preventive intervention for decreasing anger responses by onduty police officers. Thus, the social learning literature appears to offer a variety of techniques which have been shown promising results for many different problems for a variety of individuals.

Social Learning Stress Reduction Program for Correctional Officers

Bandura's social learning theory has prompted the development of several treatment strategies which appear useful in stress management and may be appropriate treatment interventions for helping correctional officers deal with the problems of stress.

To date, there has been little opportunity to empirically evaluate the ability of a program composed of techniques based on a social learning view of stress to reduce occupational stress for correctional officers. In fact, only one program for correctional officers approximated a comprehensive multidimensional social learning approach. Cheek and Miller (Cheek, 1979; Cheek and Miller, 1978, 7, 1980A, 1980 B) presented a "Stress Awareness and Coping Techniques" workshop to over 925 New Jersey state and county correctional staff members and family members. The program was based on a stress management program for inmates (Cheek, 1979) and has been modified into 3-day (Cheek and Miller, 1978), 2-day (Cheek, 1979), 1-day (Cheek and Miller, 1980B) and ½-day (Cheek and Miller, 1980 B) workshops. The program introduced muscular relaxation and participants were made aware of their irrational thinking patterns and self-images, as well as the causes and effects of stressful situations. Participants also received behavioral skills training in behavioral analysis, behavior management, and social skills. The programs included audio-visual presentations, lectures, group discussions, and role play simulations. When evaluation forms were administered to participants, subjective ratings of interest were positive. Training officers also substantiated these positive findings by making stress management programs of this kind top priority choices in selecting staff-training programs. However, no conclusive statements can be made regarding the benefits of this program until some attempt is made to empirically determine its effectiveness. The application and evaluation of programs similar to Cheek and Miller's would allow investigators to assess the benefits of specific social learning interventions and allow the development of effective stress reduction techniques for correctional officers.

However, it should be kept in mind that because of social learning theory's emphasis on empiricism, experimentation and precision, an integral relationship exists between intervention and assessment. Hersen (1976) stated that, given the specificity of behavioral treatments, selection of an intervention strategy is impossible without multimodal assessment. The assessment must include evaluation of all three response modalities—behavioral, physiological, and cognitive. Through this assessment strategy, deficits or strengths are identified in some or all of the components. Treatment strategies are then directly related to the specific deficit areas. Therefore, it follows that if social learning techniques are to be utilized successfully in helping correctional officers manage stress, a careful assessment to determine if the officers have deficits is essential. This analysis should include measurement in all three response systems involved in the stress reaction. It is only then that treatment strategies can be effectively instituted.

Figure 1 outlines the proposed comprehensive treatment program for stress reduction for correctional officers. After an initial assessment of the cognitive, behavioral, and physiological dimensions, groups of officers are channeled into a course of treatment tailored to their specific needs.

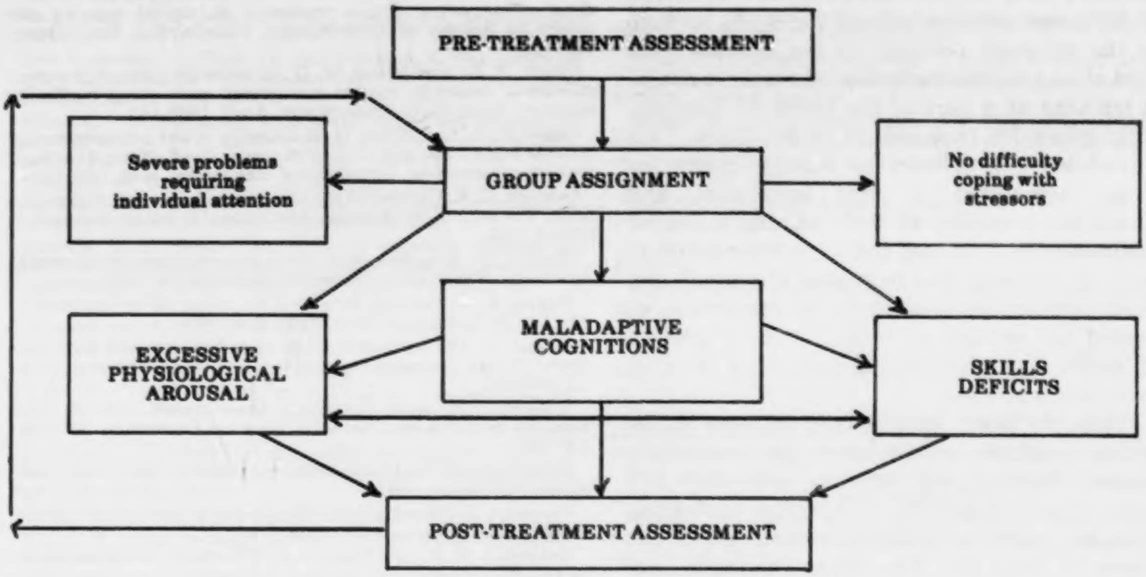
PRE-TREATMENT ASSESSMENT
Severe problems requiring individual attention
GROUP ASSIGNMENT
No difficulty coping with stressors
EXCESSIVE PHYSIOLOGICAL AROUSAL
MALADAPTIVE COGNITIONS
SKILLS DEFICITS
POST-TREATMENT ASSESSMENT

FIGURE 1.—*Stress Reduction Program.*

A variety of treatment courses exist. First, if the assessment revealed that the officer had maladaptive cognitions, they would receive a cognitive restructuring program to help them adopt a more rational and coping-oriented cognitive set (Beck, 1976; Ellis, 1962; Mahoney, 1974; Meichenbaum, 1977) before a post-treatment assessment. However, some of these officers might also show skills deficits or excessive physiological arousal, or both. These men could then be directed into an appropriate program to learn relaxation training to curb physiological arousal (Goldfried and Trier, 1974; Bernstein and Borkovec, 1973; Schultz and Luthe, 1969) or receive skills training or both programs before the post-treatment assessment. The skills training program would include training in assertiveness (Lange and Jacobowski, 1976), problem solving (D'Zurilla and Goldfried, 1971), the use of behavior modification techniques (Hosford, *et al.*, 1975; Smith, *et al.*, 1976), and communicatons skills (Barandes and Frasier, 1976; Wittmer, Lanier, and Parker, 1976) and would include an opportunity for officers to practice their newly learned skills in role play situations and on homework assignments.

For another group of correctional officers, if the initial assessment did not reveal maladaptive cognitions but revealed excessive physiological arousal, relaxation training would be suggested prior to post-treatment assessment. If skills deficits were also apparent for these officers, the officers would be channeled into the skills training program before the post-treatment assessment.

Another group of officers might have adaptive cognitions but simply lack appropriate behavioral skills. These officers would be directed into participation in the skills training program to learn some of the behaviors deficient in their repertoire before being reassessed.

It should be noted that during the comprehensive assessment of this stress reduction program, those officers who do not appear to be experiencing difficulty coping with the stress would be determined and could be exempted from participation in the program.

Finally, some individuals may be identified who are experiencing severe emotional or behavioral disruptions. These officers might be in need of the more intensive intervention which could be obtained by meeting individually with a therapist. They might also require psychotropic medication. Once these individuals have been identified during the initial assessment of those officers' participation in the stress reduction program, they can be referred for more specialized attention.

The post-treatment assessment of this stress reduction program for correctional officers would serve as a means to determine treatment gains and also to gain information to reassign officers to treatment groups if deficiencies still appear.

Because the correctional literature suggests that correctional officers tend to deny the problems of stress and a need for assistance (Cheek and Miller, 1974 A), some attempt should be made to help make the program relevant to the officers. One method would be the inclusion of stress management training as a part of the hours of inservice training generally required of each officer. This would enable the officers to receive credit for availing themselves of this assistance and eliminate the necessity of their admitting a need for assistance and finding free time after hours in order to participate. The inclusion of trained correctional officers as leaders in the treatment, as suggested for groups of police officers (Depue, 1979), would also make the program more relevant to correctional officers.

Programs to teach correctional officers stress reduction methods would serve as preventive measures. Correctional officers are presently demonstrating numerous symptoms indicating they are experiencing difficulties dealing with the stressors of their job. The stress reduction programs would provide the officers with the skills to deal with stress before they develop the maladaptive reactions which might require individualized attention. In addition, the programs would be beneficial because they would reach groups of officers at a time and would, thus, have an impact on many individuals at once.

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Fire Safety in Jails

Planning for Emergencies

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WITHIN a 15-day period in the summer of 1977, 68 people died in jail and prison fires. On June 21, a fire in the St. Johns Detention Centre in New Brunswick, Canada, resulted in the deaths of 21 confined prisoners; on June 26, 42 people, 9 of whom were visitors, died in a fire at the Maury County Jail in Tennessee. A short time later, on July 7, 5 prisoners died in a fire at the Federal Correctional Institution in Danbury, Connecticut. Following a thorough investigation of this last fire the Federal Bureau of Prisons made use of analyses of the fire by replacing potentially hazardous material in all Federal correctional facilities and reviewing and revising fire safety policy throughout the Federal system.

Because jails are not part of a larger system most have not had a similar opportunity to review their fire safety procedures in light of the fatal jail fires of the same year. At the same time jails are the institutions most at risk vis a vis fire fatalities. It is the purpose of this article to assess this special vulnerability of local jails, to review the investigations of the 1977 jail fires, and to pinpoint specific problem areas which jail administrators might consider when formulating fire safety policy.

Standards relating to fire safety in jails have been published, but each jail is unique in terms of size, age, physical plant, personnel, and local context. No specific standards can be appropriate to all jails. The most recent nationally circulated standards are those published by the American Correctional Association. In the volume specifically for jails there are eight standards regarding fire safety:

compliance with existing codes;
the services of a qualified fire and safety officer;
annual inspections;
automatic fire detection and alarm systems;
selection of fire safe materials and equipment;
clearly visible usable permanently marked exits;
an evacuation plan which incorporates quarterly fire drills

(ACA pp. 41-43)

The importance of these standards is clear when they are considered in conjunction with a review of fatal jail fires.

The Special Vulnerability of Jails

Jails are locally autonomous institutions subject to the control of local government. While some states have the responsibility for jail inspection many jail inspectors do not have enforcement powers. Minimum jail budgets, set locally, determine spending priorities and correction of potential fire hazards may not be included in the budget.

Every jail is situated in a unique community and must operate within the confines of its own local context. It is bound by local concerns and dependent upon local resources. The relationship of each jail with agencies in the external community varies from county to county and is subject to change over time. Cooperative relationships with outside agencies can be essential in a fire emergency.

Personnel and management changes are a special jail problem which can impact on the institution's readiness for fire emergencies. The county sheriff is usually the chief administrator of the jail and is also an elected official. In some jurisdictions jail management may change with each election. Major personnel changes may follow and operations policy is also subject to change. Fire safety policy may be in a state of flux for some period of time.

Many jails must deal with the problem of high staff turnover among "on-line" personnel. In counties where jails are staffed by law enforcement officers, promotion to other duties may result in regular changes in jail staff. In addition such personnel are customarily trained in law enforcement rather than jail operation and are naturally eager to assume law enforcement roles. When the staff is a primarily civilian one, low salaries contribute to high staff turnover. Training in fire safety may lag behind rapid personnel changes. In very small counties the role of jailer during some shifts may be assumed by police personnel who also have other duties (e.g., radio dispatcher). This staff member may be required to make hourly checks of the prisoners, but would find it difficult to single handedly effect a rescue of the population if, on one of his rounds, he found a fire in progress.

Another factor which contributes to the jail's special vulnerability to fatal fires is the nature of the prisoners and the nature of their confinement. Most jail prisoners are pretrial detainees who are confined for very brief periods. High prisoner turnover and short periods of confinement mean that jails are primarily concerned with security. As a major security measure most jails severely restrict prisoner movement within the institution, confining prisoners to cells or cell blocks. In a fire emergency these securely confined prisoners are unable to participate in their own rescue or to cooperate in fire suppression efforts.

Local relationships and resources, limited budgets, changes in administrative and line personnel, and necesssary security measures combine to make county jails the most vulnerable of all correctional institutions to loss of life in a fire emergency.

The 1977 Jail Fires

Because of the extraordinary loss of life involved, the fires in the St. Johns Detention Centre and in the Maury County Jail have both been thoroughly investigated. Both were deliberately set and in both dense smoke contributed to the inability of either jail or fire department personnel to reach and rescue confined prisoners.

The St. Johns Detention Centre was on the lobby level of the 16-story high-rise City Hall. Access to the detention center was from the City Hall lobby and from a below grade parking lot. The access areas were within 20 feet of one another some distance from the most populated cell blocks. The Centre contained four cell blocks, a drunk tank, and a padded cell. The tank and three cell blocks were located on a long dead end corridor. While only one key was necessary to open the tank and the padded cell, the cell blocks required two keys, one for each cell block and another for each cell. Alarm and detection systems and manual equipment were present in the Detention Centre.

On the evening of June 21, 1977, an inmate shouted that there was a fire and personnel noted smoke coming from the padded cell in which an unruly prisoner had been placed. When the cell door was opened an in-rush of oxygen caused rapid ignition of gases. Heavy dense smoke from the styrene-butadien rubber padding quickly filled the jail. Officers rushed to the cell, pulled the prisoner to safety, and activated a manual alarm connected to the fire station.

The fire department's response time was very short. Until a pumper hose could be connected the fire fighters attempted to contain the fire with the available occupant hose, but their efforts proved futile. The hose kinked because of the short distance between its location and the fire source and this impeded proper water discharge. Heavy smoke which made breathing apparatus necessary for rescue attempts also greatly reduced visibility. In the confusion of the fire the jail keys were dropped and the dense smoke slowed their retrieval. This caused a delay in unlocking the cell blocks and cell doors on the long dead end corridor. After the keys were recovered one cell block could not be opened because the extreme heat had caused the full weight of the steel door to rest on the latch. All prisoners in this cell block were fatalities.

Autopsies showed that smoke inhalation was the cause of death in all 21 prisoner fatalities. Large amounts of particulate matter in the lungs were traced to the foam padding. According to Demers (1978) the fire department was the only external agency involved in prefire planning. He concluded that "strict fuel control, proper means of occupant protection (either evacuation or defend in place), and pre-fire planning and training must be provided" (p. 37).

The Maury County Jail was a single-story building constructed of fire resistant concrete. The interior was finished with non-combustible materials. The building had no automatic or manual alarm system and no occupant fire suppression system. Its fire also originated in the padded cell (styrene-butadiene rubber glued to plywood sheets). A 16-year-old in this cell asked a visitor for a cigarette and a light. Twenty minutes later the visitor notified deputies that the cell was on fire. Deputies came to investigate urging visitors to leave as they did so. When the cell door was opened the jailers were knocked to the floor by a rush of dense black smoke. An alarm was telephoned to the fire department and the visitors began to leave. In the confusion the keys were knocked from a deputy's hands and kicked away. They were not recovered.

Because the keys were lost fire fighters with the help of a local towing firm breached the walls of the jail with sledgehammers and pulled away bars with a tow truck. Survivors were pulled through these breached openings; no confined survivors escaped the fire through the jail doors. Of approximately 63 prisoners and 20 visitors, 33 prisoners and 9 visitors (who had been locked in the cell areas) died of smoke inhalation.

The SBR foam padding constituted a fuel which rapidly produced heavy black smoke once ignited. Confined prisoners and visitors could not be released when the keys were lost. The two exits quickly became unusable because they were not remote from one another. There was no direct alarm system, there were no evacuation plans, and no "in-house" fire suppression equipment was available. Each of these factors contributed to the large number of fatalities.

Fire Safety Issues for County Jails

In both of the 1977 jail fires and in the Federal prison fire 2 weeks later a major contributing factor in the fatalities was the presence of materials which, when ignited, rapidly created extreme amounts of dense black smoke. Like materials were removed and replaced throughout the Federal prison system, but most jails do not have the resources to test and replace potentially hazardous materials. Gradual removal and replacement may be possible and funds should be sought from county governments to begin a gradual replacement program.

Jail administrators who make a sincere attempt to correct identified fire hazards are not likely to be held personally liable in the event of fire. Where negligence can be shown such suits can be and have been filed (e.g., *Collenburg* v. *County of Los Angeles*, 1957; *Moore* v. *Murphy*, 1963; and *Padgett* v. *Stein*, 1975). Refusal by the county government to appropriate funds to correct known hazards renders the governing body liable rather than the sheriff or jail administrator. A program of gradual replacement can contribute to reduced liability risk and will ultimately result in the elimination of hazardous or toxic materials.

Other steps which may require capital investment are remodeling to assure distance between jail access points, installation of fire suppression equipment, sprinkler systems, smoke detectors and a direct alarm system. Fire suppression equipment should be readily accessible to all staff. In most jails prisoner movement is severely restricted so that it is not necessary to protect this equipment from prisoner sabotage. In the Federal prison fire of 1977 such equipment was present, but was secured from prisoners who had freedom of movement within the housing unit. An occupant hose was present but unaccessible. Failure to achieve early suppression of the blaze was cited by fire personnel as a factor in the fatalities.

Detection systems, alarms and fire fighting apparatus can be costly but there are fire safety precautions which require minimal financial outlays. One is to assign fire safety responsibility to a single individual. Each jail should have one staff member designated as its fire safety officer who is responsible for coordinating all aspects of fire safety planning. This officer should oversee any gradual replacement of materials and any installation of fire safety equipment. He should regularly tour the premises to assure that fire safety is being practiced. Checks should be made of exits and stairwells, of proper storage and disposal of flammable materials, etc. The fire safety officer should also be in charge of formulating fire emergency policies and procedures. These should revolve around three areas: security, preparation of personnel, and relationships with agencies in the external community. The last of these impacts on the other areas and the fire department is the agency with which the jail has the most crucial relationship for effective fire safety planning.

Security

If jails have a primary reason for existing it is to assure the appearance in court of accused people who are unable to post surety. This responsibility requires that jails concentrate on custody concerns. In an institution which is centrally located, which does not have a defensible perimeter (i.e., is neither walled nor fenced), and in which pretrial detainees are held for relatively short periods of time, the most efficient form of custody is the restriction of prisoner movement within the institution. In many jails prisoners are locked on cell blocks or in their cells 24 hours a day. Restricted prisoner movement enables a small staff to maintain the custody of a large number of prisoners.

In a fire emergency this type of security hampers prisoner rescue. In the Maury County Jail too many keys were necessary to open cell and cell block doors. In both jail fires lost keys hampered or prevented rescue efforts. While key security is of utmost importance to the jail, duplicate keys should be available. They should be kept in a secure place, but their location should be known to staff so they can be made available to fire fighters in the event of a fire emergency.

In the Federal prison fire, standard security procedures led the officer on duty to lock prisoners and staff into the burning unit after one officer was let out to report the fire in progress. This door then jammed making escape impossible. During a fire emergency safety should take precedence over security. The entire prison was walled and/or fenced and procedures should have been altered to permit prisoners to escape to the prison yard. In jails, which usually do not have a secure perimeter, evacuation plans should include securing the evacuation site, but the safety of the prisoners should be the first concern.

Preparation of Personnel

The safety of both staff and prisoners depends on how well-prepared jail personnel are to deal with fire emergencies. Training is essential. Personnel should be trained to handle fire suppression equipment and to activate fire alarms. They should know and understand all fire emergency procedures and should travel safe evacuation routes in order to become familiar with them. If there is more than one evacuation plan they should know how to choose the safest alternative. Personnel must also thoroughly understand that safety must take precedence over security during a fire emergency. Staff training should be ongoing. Change in fire safety policies call for retraining of jail personnel. In institutions where staff turnover is high ongoing training is essential in order to assure that all personnel are versed in plans and procedures. When there are management changes care should be given to assuring a smooth transition vis a vis fire planning.

Reliance should not be placed on training alone to assure that personnel are prepared to deal with emergencies. Fire safety procedures should be written and disseminated and evacuation procedures should be posted in all crucial areas. Because most jails are autonomous the fire safety officer is unlikely to devise complicated emergency procedures, but this problem may be present in large systems. The fire plan at the Federal Correctional Institution (Danbury) "called for notifying up to 11 different people or departments . . . within the institutions before calling the Danbury Fire Department." (Demers, 1978, p. 42) Even after notification a determination was required by a supervisor that the call was necessary. A direct alarm system corrected this problem at Danbury but the delay contributed to the five fire fatalities. Fire procedures should be clearly written and prominently posted and should call for direct simple action.

Relations With the External Community

No community agency is more important to plans for jail fire safety than the fire department. The jail fire safety officer should form close working relationships with fire department personnel and with state or local fire marshals. Their expertise should be used in all areas of fire planning.

Jails which have the funds for installation of fire suppression equipment, alarms, smoke detectors, sprinkler systems, etc. should consult with fire officials on the type of equipment most appropriate for the facility and on optimal placement of such equipment. Care should be taken to insure that smoke alarms and sprinkler systems are beyond the reach of prisoners in order to prevent both sabotage and false alarms.

In jails where there is concern about the presence of hazardous materials jail administrators can request that suspect materials be examined and tested by fire officials who should also be consulted about selection of replacements. In all of the major 1977 fires the presence of materials which produced dense smoke once ignited contributed to the fatalities. Another contributing factor was failure to arrest the fires at an early stage. Analysis of suspect materials, a direct alarm system, and onsite fire fighting apparatus could help to prevent jail fire fatalities. Regular review of these precautions is also important.

Official fire inspections should be made at least twice yearly by fire department personnel though quarterly inspections are preferable. Inspections should include: use and storage of flammable materials, analysis of materials used in construction and furnishings, electrical hazards, and testing of onsite equipment. At an early point in the Federal prison fire a prisoner attempted to fight the blaze with a dry chemical extinguisher which malfunctioned. In the St. Johns Detention Centre fire the occupant hose proved unsatisfactory in attempts to arrest the blaze at an early stage, and in another case the occupant hose was locked in a cabinet and unaccessible. It was not used for early fire suppression.

Regular inspections are vital to the safety of both staff and prisoners, but unless the inspector's recommendations are acted upon lives are in jeopardy. It should be the responsibility of the jail fire safety officer to follow through on inspection reports and to correct as many identified problems as possible.

Fire officials can also be helpful in planning or reviewing evacuation procedures. Care must be taken to assure that evacuation routes are planned according to points of fire origin and building ventilation. Alternative routes should be considered. Prisoners should not be evacuated to an in-building or underground dead-end site. Fire and smoke may make such a site as dangerous as the cell blocks themselves. An outdoor site is best, but security is a persistent problem since most jails do not have a defensible perimeter (i.e., are neither walled nor fenced).

Selecting and securing an outside evacuation site may call for formalized relationships with other agencies. Cooperative arrangements for additional security could be made with local law enforcement agencies, state police, or even the National Guard. Arrangements should be made in advance and should include communication methods and information for estimating probable response time.

Fire plans might also extend to prior arrangements for supplying food for prisoners at the evacuation site and for housing prisoners if the jail proves uninhabitable. A reciprocal agreement with a neighboring county is one possibility. Transportation of prisoners to the alternate site must also be considered.

While each county jail has its own unique local context, cooperative relationships can be established within that context with various local agencies. Such relationships can be most helpful in the event of a fire emergency.

Summary and Conclusion

Jails are especially vulnerable to fatal fires primarily because of limited budgets, type of security maintained, and management and personnel changes which leave fire plans and procedures in a state of flux.

Analysis of other jail fires coupled with evaluation of local jail standards and procedures can help the jail administrator in fire safety planning. Prevention is the most important part of such plans but the potential danger of a fire in an institution where numbers of people are confined must be considered. With the help of local and state fire officials fire prevention can be improved and early suppression of a fire is possible.

In-house fire safety plans should include posting of fire emergency procedures and training of all personnel. All jail staff should be familiar with evacuation routes. Analysis of jail architecture may require that initial evacuation steps (release of prisoners from cells) be undertaken concurrent with efforts to suppress the blaze.

Confusion and panic are probable in all fire emergencies. Careful planning which includes attention to detail (e.g., availability of duplicate keys) and thorough preparation of personnel may prevent the potential loss of life in jail fire emergencies.

On the Presentence Investigation

By Yona Cohn, D.S.W.

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The Presentence Social Inquiry Report

The content of the presentence report submitted to the court is expected to assist the court in its deliberations on the disposition of a given case. The reasons behind this are due to the fact that the adjudication did not provide the court with adequate information about the offender needed for a good disposition. It simply presented to the court a picture of the person to be punished for his indictable delinquency and a list of previous convictions submitted by the prosecution informing the court of the offender's history as a criminal person, leaving many important backgrounds unknown to the court, such as what kind of son, husband, father, worker, supporter, etc. the offender is—backgrounds considered by either the court or the legislator as of importance for the proper selection of disposition.

The history of criminal prosecution and punishment goes back for many thousands of years and is tightly connected with organized society. But in just less than 100 years has the probation officer become an integral member of the criminal justice system. With increased concern of society about the welfare of man in many fields of life, the criminal should also be looked upon as a person and not just an offender. One outcome of this approach is the consideration that the punishment affects the person more than just in his role of an offender. Other functions are affected as well. The punishment, and especially imprisonment, hits the person thoroughly. Many such punishments have after-effects long after the offender has completed serving his sentence and returned to normal society. Thus the presentence report is intended to meet this target.

What aspects of the offender's life should be investigated? There are legislations which spell them out, while others leave it to the discretion of the probation officer. The following areas are usually included:

(1) An assessment of the parental family of the offender as a supporter of physical, moral, and educational needs.

(2) The offender's level of performance in adjustment to various settings, such as school, job, and recreational institutions, since inadequate performance in these settings is often used by the probation officer to explain a social and antisocial behavior.

(3) His criminal background in an attempt to interpret this behavior psychologically and culturally—an approach significantly different from the one experienced by the offender while being interrogated by the prosecution.

There is no doubt that with this information the judge is provided with a broader and a more personal picture of the person to be adjudicated by him. Nor is there doubt as to the difficulties the judge is facing in translating this information into a specific punishment. Whether the criminal is to be sent to prison, or should be kept within the community with a probation officer; or, in case he is to be imprisoned, for what period, are questions which are hard to answer according to the data submitted in the report. In practice, the judge uses a yardstick based on general sentencing practice on a given crime. He will use the data included in the report to find out whether this person shows unique features which would suggest using more individual criteria for the disposition. Judges differ as to the level of uniqueness of the offender required to give way to a more individual decision.

The introduction of an investigation report was also facilitated by the development of behavioral sciences. Thus the report may be wasted should it be used only to give a lively picture of the offender, however important it may be.[1] Research findings could help the probation officer address himself to more specific questions relevant to the disposition of the case, with a reasonable degree of reliability and confidence.

These are some of the questions:

(1) The major internal and external factors which made the person become an offender (the historical and situational forces involved).

(2) Which of these forces are still operational after the crime has been committed?

(3) What are the expected effects of the various alternatives in sentencing?

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[1] Edward E. Peoples (ed.): *Readings in Correctional Casework and Counseling.* Goodyear, 1975, p. 4[illegible].

The Presentence Investigation

Collecting the data needed to make a well-founded recommendation could be viewed as a rational process. First, the data is collected; secondly, this data is scrutinized as to its reliability and its relevance; thirdly, the data is integrated into a comprehensive picture of the offender as a person; fourthly, inferences are drawn for an individual recommendation.

In reality, however, these stages are not logically separated. The probation officer reaches a tentative recommendation at an early stage of his investigation. Once some pieces of information are at his disposal, such as the offenses, the criminal background, adjustment to socializing institutions (family, school, job), the recommendation is already more or less fixed in his mind. A vast amount of contradicting data would be required to modify it. Changing the tentative recommendation is especially hard as the perception of the data is done selectively. Data contradicting the first conclusion is often preconsciously ignored. The probation officer who feels relatively independent of the court as to the acceptance of his recommendation is more likely to be open to including it in the report not supportive to his recommendation than his colleague who feels more dependent on the court,[2] that is, sharing the doubts with the court.

In order to put the many pieces of information into a comprehensive whole, the probation officer uses certain causation theories. He does not have to have them formulated as such, but looking at a number of such reports, the reader may recognize some of them used as organizing principles by the probation officer (pet theories). Here are just a few examples: the crime committed as a symbol and expression of the adolescent's fight for autonomy; the commitment of the crime is a result of waning parental authority; the crime is a part of the fight between deprived subculture and the depriving establishment; the crime reflects the confusion of the youngster emerging from a traditional subculture into a permissive society (the former restraints are ineffective while new ones have not been established). Other probation officers, using more psychological frameworks may explain the crime either as a result of a faulty superego or a deficient ego. Others may refer to the reinforcement the offender receives from his delinquent environment in committing a crime. These theories might be helpful if used critically, but would distort the picture if indiscriminately applied, forcing the data to fit the theory.

Conducting the Investigation

There are three major sources for the data: interview(s) with the offender, interviews with other significant persons, relevant documents from other sources such as psychological or psychiatric reports as well as statements from social workers or teachers.

The interviewing of the offender is the most important part of the inquiry and is most used in preparation of the report[3]. These interviews are normally conducted in the probation office. The offender generally meets the probation officer with suspicion, because the meeting often takes place immediately after the police interrogation so that much of that emotional experience is carried over, especially by first offenders. The defendant wishes to use the interview to promote what he considers the best interests. His reporting is therefore defensively selective and often deliberately distorted. Some of his defenses are preconscious, and can be neutralized by the probation officer either by penetrating them by relating to his underlying motives for hiding them, or by the gradual establishment of a positive transference, which would reduce anxiety, so that the defenses may lose their purpose and so wither away. The difference between approaches reflects the difference of the offender, but it is often the personality of the investigator which explains the difference in approach as well.[4] Generally the more aggressive probation officer who uses the direct approach, the "no nonsense" man when relating to his probationer, is more identified with the court system than his colleague who considers himself primarily as a helper, and is identified with one of the helping professions. In contrast to the "penetrator," the anxiety reducer may rely more upon carefully formulating the questions by avoiding emotionally "loaded" words. He would also be aware of the need for careful timing of delicate subjects and would introduce a delicate question in order to probe the level of anxiety, leave the topic when anxiety blocks the offender, move gently to another topic, and return to it at a later stage of the interview when some trust has been established. This more dynamic approach yields not only more of the required information, but also makes it more reliable, and promotes a deeper understanding of the dynamics of the offender's personality.

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[2] I.H. Lowe and I.D. Steiner: "Some Effects of the Reversibility and Consequences of Decisions on Post-Decision Information Preferences," *Journal of Personality and Social Psychology*, 1968/8, pp. 172-179.

[3] Charles L. Newman: "Concepts of Treatment in Probation and Parole Supervision," in *Readings in Corrections and Counselling*, (ed.) Edward E. Peoples, Goodyear Publishing Co., Inc., Santa Monica, 1975, pp. 61-72.

[4] Yona Cohn: *The Court and the Probation Officer*, Ministry of Social Welfare, Department of Research, Jerusalem, 1974.

In such an interview, as well as in all interviews, we have a "body-talk" in addition to a "mouth-talk," and that refers to both the probation officer and the offender. The probation officer has to listen with his ears and look with his eyes. Facial expressions, body posture, gesticulation of the offender confirm the verbal utterances or contradict them. The defendant may control primarily his verbal and facial expression, leaving the trunk and the hands to "tell" the true story to the probation officer, who is tuned to receive hidden messages and to decipher them correctly. All this goes for the probation officer as well as the offender himself, who is often a careful listener and observer, to the surprise of the probation officer. This is the case as the outcome of his contacts with probation officers and other officials may affect him in various significant areas of his life.

One point quite often overlooked is the "message" sent to the interviewee by the layout of the room in which the interview is conducted; does it look more like an office or a treatment room?

We have already stated that messages are sent by the probation officer as well—messages of which he is scarcely aware. These messages often reflect his part in the directing of the interchange. He sends facial and verbal cues of what he wants his defendant to say. The professional probation officer needs the help of a supervisor to sift objective data (which the offender wants to offer) from reflective data (what the probation officer wants him to say) produced by the offender.[5]

Most attention is given by the probation officer to the verbal output of the offender. This can be used as it is, or may need some rephrasing to include it in the report to the court. A sudden jerky movement of the knee, clenching of the fingers, or a sudden backward movement of the upper part of the body as if to move away from the probation officer may be more authentic than the uttered word, as it is done unintentionally, but this needs interpretation to be of use in the report. The court may be prepared to have verbal quotations in the report to substantiate a statement of the probation officer. However, the descriptions of the various body movements, even with attached interpretations, would seem to the court rather odd. This does not mean that the various physical expressions, and the context in which they emerged, should be ignored. They may become useful to the sensitive probation officer to verify or contradict verbal utterances, and may convey content on their own.

Here is just a short example that we see in action:

When a youngster appears with his parents before the probation officer he sees the family operating: Who sits closest to the boy? Who is the recognised spokesman? Or when someone tries to talk, is he interrupted by someone else? Does the boy try to give his version, in spite of other members of the family who try to keep him silent? This situation may be further structured by placing just one chair in front of the probation officer, with two others pushed back a little, before the family enter the room. Who "grabs" the chair close to the desk, and who takes care that the others also get seated? The probation officer who uses such structured observation may use home visits to verify it. He may initiate some systematic research in this field to increase the use of structured and unstructured observations in the investigation.

Making the Recommendation

In making a recommendation the probation officer has to decide whether he should recommend that the offender is to remain in the community, and if so, under what conditions; or if he recommends his committal, where to and for how long.

As in many decisions, this matter is also based on objective considerations consciously arrived at, as well as on subjective considerations operating in the decisionmaker's unconscious. Many are clear-cut cases; that is, other probation officers would reach identical conclusions. Others are more in-between cases, and here subjective considerations play their part. We identify countertransference symptoms: The offender is either sympathetic or antipathetic to the probation officer—feelings related to his own life experience of which he is hardly aware.

Another factor operating in the mind of the probation officer is the importance he attaches to having his recommendation accepted by the court. The rejection of his recommendation is often felt as a personal rejection especially by the inexperienced worker or the one whose only professional identification is with the court.

The presentence report, which is a direct outcome of the investigation, is an instrument for the promotion of individualized sentencing by the court. In addition, it may serve the probation officer as a channel for the input of relevant scientific findings with regard to sentencing into the criminal justice system, if and when he has such findings to offer the court.

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[5] Yona Cohn: "Job Related Inservice Training in Corrections," *Federal Probation*, 44/2 (June 1980), pp. 48-56.

Class of '63

Career Patterns of Federal Prison Correctional Officers Who Entered Service During 1963*

By Loren Karacki

Research Analyst, Federal Prison System

At the Federal Prison System's 50th Anniversary Celebration in May of 1980, both Sherm Day and Richard McGee paid tribute to the "career service" which characterizes the operation of the Federal Prison System with respect to staff.[1] McGee referred to correctional staff as the "most important single ingredient of successful prison management," while Day, for his part, identified the two critical components of career correctional staff—those who advance and those who stay. Concerning those who advance, Day said:

> The fact that people are able to move laterally and upwardly in the Bureau is unique. No one is restricted from being an administrator in the Bureau of Prisons. Any person, regardless of previous education or speciality, can better his/her career within the Bureau of Prisons. Perhaps the Bureau epitomizes the Lincoln syndrome—that anybody can start at the entry level and rise to director.

In contrast, there also are those staff who work "in the institution at the line level—people who decided to remain at their local institution, occupying positions of senior officers, caseworkers, teachers, foremen and a variety of other titles." They are, in the estimation of Day, "the real heroes of the Federal Prison System."

This report will examine a segment of Federal Prison System staff in terms of their careers in corrections. Specifically, it will provide career information on correctional officers who joined the Federal Prison System in 1963 and were still employed in prison service as of June 30, 1980. The experience of this group will then be related to the present situation regarding new correctional staff.

First Year Experience

During 1963, 200 individuals joined the Federal Prison System, or Bureau of Prisons as it was known then, as correctional officers. They were part of an original group of 249 who had passed the then required Civil Service written entrance examination and were contacted by mail about possible employement. Of the 249, 12 did not respond to the letter of inquiry, 24 failed the oral interview, and 13 failed the physical examination, leaving the 200 who actually entered prison service.

The position of correctional officer was advertised at the GS-6 level and paid $5,035 to start. It was not a glamorous job. As one source described it:

> The work includes maintaining custody of Federal prisoners, supervising their conduct and maintaining order and discipline. Incumbent works 8-hour shifts, night or day rotation, climbing stairs, operating devices for locking doors, carries firearms on outer perimeter security duty, has long hours of walking and standing, and must be alert and vigilant. In case of emergency or escape of prisoners, incumbent is required to work longer than 8 hour shifts on manhunts, fighting fires, quelling riots, etc.

Despite the often monotonous, sometimes frightening nature of the work, those who started as correctional officers in 1963 were drawn from a wide variety of backgrounds. A few had completed college but most were high school graduates or at best had a year or two of college. Several already worked in corrections at the state or local level or were involved in police work. Others were bartenders, factory workers or truck drivers. Some were clerks or held other white collar jobs and still others were farmers or railroad workers. A few were unemployed and a fair number were retired military.

In some cases becoming a correctional officer represented "an opportunity to pursue a career in corrections," but for the majority it was more simply a job and they were attracted to it because of the "security" it provided, the promise of "steady work" or, it would seem, the prestige of working for the Federal Government. The pay, $5,035 a year, while not much by today's standards, was more than what most of those hired were making and thus was added incentive for joining the Federal Prison System.

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*This article is an abbreviated version of a research report under the same title prepared for Federal Prison System circulation. Copies of the report are available from the author, U.S. Penitentiary, Marion, Illinois 62959, or through the Office of Research, Federal Prison System, 320 First Street, N.W., Washington, D.C. 20534. The conclusions presented here are those of the author and do not necessarily represent official Federal Prison System policy.

[1] Richard A. McGee, "Careers Versus Jobs," and Sherman R. Day, "People Make a Difference," FEDERAL PROBATION, Vol. 44, No. 3 (1980), pp. 48-50 and 40-44.

During the probationary first year, 70 of the 200 correctional officers who started during 1963 left the service, for a 1-year turnover rate of 35 percent. Fifteen took other jobs, 10 reported family problems, 23 were dismissed for unsatisfactory job performance and 22 left for "other" reasons such as failure to pass the character investigation or financial considerations. Compared to those who successfully completed the probationary year, those who left tended to be older, less educated and more likely to be female. The average age of those who left was 38.1 years as opposed to 32.8 years for those who stayed while 10 of the 15 individuals who had less than a 12th grade education left as did 5 of the 6 females.

Active Duty Employees

As of June 30, 1980, 72 or over 55 percent (55.4 percent) of the 130 correctional officers who completed their probationary year were still with the Federal Prison System. Sixty-five had uninterrupted service time while seven had left prison service for varying periods of time ranging from less than 1 year to over 5 years. They had spent 1,214.75 years of service with the Federal Prison Service or an average of 16.87 years per person.

Among the 58 individuals who had left Federal Prison System service after their probationary year, 17 resigned or transferred to other Federal agencies, 4 voluntarily retired, 10 retired on disability, 1 died, 2 were removed for cause, and 24 were "unknown." Most resignations or transfers occurred prior to 1973, indicating that by the time study group members had some 10 years service, career commitments were very strong. If those who retired voluntarily (including one deferred retirement) or on disability are added together along with the one death to the 72 who were still with the Federal Prison System as of June 30, 1980, there are at least 88 individuals who have been or are likely to be with the Federal Prison System to career completion. The net result, therefore, is that of the 200 officers recruited during 1963, some two-thirds (65 percent) successfully completed their probationary year and of these, some two-thirds (67.7 percent) completed or are likely to complete careers with the Federal Prison System.

Those still employed through June 30, 1980, had received 302 permanent promotions or an average of 4.2 promotions per person. This was partially offset by only 14 change to lower grade actions, all of which were voluntary moves and in almost every instance in the interest of long-term career advancement. Twenty-eight of the 72 had never moved out of the 007 correctional service series while 44 had—15 into such career consistent positions as unit manager, case manager and personnel officer, and 29 in career divergent positions such as in food service, mechanical service, and business office. This shift into other departments by custodial staff reflects the many avenues for advancement available to correctional staff and is considered one of the keys to maintaining the career service concept. The net effect, in the case of the present study group, is that out of 200 individuals originally recruited for correctional officer positions, only 31 remained in these posts as of June 30, 1981.

The average grade for those in GS-level positions as of June 30, 1980, was 10.7 while those who had moved into WS-level positions had an average grade of 10.6. Average salary was $25,153 or almost five times their starting salary in 1963. Ten of the 72 were presently wardens or were rated as potential wardens while another 10 were considered to be potential associate wardens.

The 72 study group members had transferred a total of 169 times of which 26 were at employee request and expense. They had received 101 Quality Step Increase Awards, 24 Sustained Superior Performance Awards and 22 Special Act Awards. In addition, 74 cash awards for suggestions had been presented to individuals in this group.

During their first 5 years of service, study group members were promoted at an annual rate of 0.25 or an average of one promotion during every 4 years. During the second 5 years the rate was 0.26 and during the third 5-year period the rate again was 0.26. The final time period, covering some 2 years to June 30, 1980, showed a decline to 0.17 or an average of less than one promotion every 5 years. The transfer rates during these same time periods were 0.06, 0.09, 0.19 and 0.09.

Locals and Movers

A common contention in the Federal Prison System is that one cannot advance his/her career without transferring. In order to consider this proposition, study group members were divided into two categories: "locals" and "movers." To be categorized as a "local," an individual had to meet one of the following conditions regarding transfer:

(1) He has never transferred to another location with the Federal Prison System.

(2) He started at an institution away from his home community and the *only* transfer in his

career was at *his request* and *expense* to his home community (e.g.—an individual from Leavenworth starts at Lompoc and 18 months later pays for his transfer to Leavenworth where he now remains).

(3) The *only* transfer in his career was a *forced* transfer necessitated by the closing of the institution where he started (e.g.—National Training School in Washington, D.C., and Chillicothe, Ohio).

(4) The individual was so located that he could transfer from one Federal Prison System duty station to another without any actual physical move on his part (e.g., Lewisburg and Allenwood Camp and some FPS institutions and nearby Community Treatment Centers or Staff Training Centers).

By this definition, 32 study group members were found to be "locals" while "movers," who were defined simply as anyone not falling into the "locals" category, numbered 40.

When the two groups were compared, it was found that "movers" had transferred an average of 4.8 times each during their careers while "locals" had transferred an average of 0.5 times. It was also found that "movers" generally tended to be younger, better educated individuals than was the case with "locals." Their average age when hired was 28.0 years or 5½ years less than the 33.5 years average for "locals." In the case of education, 32.5 percent of the "movers" had some college or better as opposed to 12.5 percent for the "locals" group. The average GS-level for "movers" was 11.9 and average salary was $27,746 as of June 30, 1980, both well above the 8.8 average GS-level and $22,007 salary average for "locals." Nine out of ten "movers" were GS-11's or above and 70 percent had left the 007 correctional series as opposed to 50 percent among "locals."

The "movers" group was further subdivided into 12 "executive level movers" (GS-13's and above) and 28 other "movers." The analysis of these two groups indicated that there are at least two promotional tracks which appear to apply to "movers." There is, first of all, a fast track which typically takes effect during the second 5 years of service and results in fairly rapid promotional advancement thereafter. And there is a slow track which generally comes into play during 10-15 years service and may be hardly more than a one time spurt. The end result is that as of June 30, 1980, those in the fast track—"executive level movers"—had an average GS-level of 13.8 as opposed to 11.1 for those in the slow track, had an average salary of $35,013 compared to a figure of $24,632 for slow track "movers" and had transferred an average of 5.3 times as against 3.2 times among slow track "movers."

In contrast to "movers," "locals" tended to have more limited career advancement and were likely to have remained in custodial positions or, if they had moved out, to have gone into career divergent positions such as in mechanical service or business office. Of the 16 "locals" who left the 007 correctional series, all had gone into career divergent positions and none into career consistent positions. As of June 30, 1980, 84 percent of the "locals" still in GS-level positions were GS-9's or lower and their average within-grade step level was 8.3 (out of a possible 10), suggesting that for most, their careers had peaked. Indeed, the promotion rate for "locals" shows a steady decline over time from 0.23 per year during the first 5 years of service to 0.20 during the second 5 years to 0.14 during the third 5 years and finally 0.11 during the 2 plus years to June 30, 1980. In contrast, the promotion rate for "movers" has gone from 0.26 per year to 0.31 and 0.36 before declining during the final period to 0.21.

While "locals" have not enjoyed the same career advancement as "movers," their service to the Federal Prison System has not gone without recognition. During their careers, they have received an average of 1.9 cash awards for Quality Step Increases, Sustained Superior Performances, and Special Acts which is close to the 2.2 average for "movers." In addition, "locals" have averaged 1.3 cash suggestion awards or above the 0.8 average for "movers." Notwithstanding this recognition, the comparison between "locals" and "movers" provides ample indication of the need to transfer to achieve promotional advancement in the Federal Prison System.

It would appear that it is this mixture of "movers" and "locals" or those who advance and those who stay as Day described them who form the core of the Federal Prison System career service and who give character and strength to its operations. Both groups have their contribution to make and both do so in their own way.

Current Comparisons

This article has presented a historical picture of what it has meant for some individuals to work for the Federal Prison System. It is a picture which has largely been colored by the conditions of the times and by the personnel policies and practices of the Federal Prison System which prevailed in the early 1960's through the 1970's. The question which remains to be answered is if the findings from this study have relevance to the current situation in the Federal Prison System.

We can begin to consider this question by recognizing the many changes which have occurred since the early 1960's both in society as a whole and in the Federal Prison System. Economic conditions have improved and there has been an increase in education including a proliferation of degree programs in criminology and corrections and closely related fields. Correctional service has gained in respectability and increasingly has come to be viewed as a profession rather than simply a place to find steady employment.

Written examinations are no longer required for the job of correctional officer and emphasis has been placed on hiring minority candidates including females while persons age 35 or older have been eliminated from hiring consideration. Many of those hired now have undergraduate and even graduate degrees and it has been possible to close the caseworker roster to the general public in order to emphasize promotion from within. There are now new positions of counselor and unit manager and new institutions and new programs have been established along with regionalization.

Given these many changes, one would expect that new correctional officer recruits of the 1980's would substantially differ from the recruits of the 1960's and, indeed, this is the case. An analysis of correctional officers with less than 1 year service as of May 1981 shows that 9.1 percent were female and average age when hired was 29.0 years. In addition, 28.5 percent had a college degree or better and another 39.6 percent had attended college. Information on race for new hirees was not available but it is known that 28 percent of all correctional staff were minority members and it is assumed that this figure would be higher among new officers.

Information on race was not available on the 130 recruits in 1963 who completed their probationary year but we were aware of one black and one hispanic in the study group, and it is unlikely that there were more than one or two other minority group members. In the case of sex, there was one female among the 130 and average age when hired was 32.8 years. Regarding education, 5.4 percent were college graduates and another 18.5 percent had some college. It is evident from these figures that, compared to 1963 recruits, new correctional officers are much more likely to be younger, better educated, female and a minority group member.

If we confine our attention to age and education, it also appears that new recruits, on average, more closely approximate the characteristics of "movers" as identified in this study than "locals." Thus, the average age for new recruits was 29.0, while it was 28.0 among "movers" and 33.5 among "locals." In the case of education, 68.1 percent of new recruits had some college or better as opposed to 32.5 percent among "movers" and 12.5 percent among "locals" in the 1963 study group.

The figures on age and education suggest that present hiring practices for correctional officers have resulted in recruiting individuals who historically have demonstrated the greatest career advancement within the Federal Prison System. Conversely, proportionately fewer individuals are being recruited who, based upon age and education, have evidenced rather stable careers with limited promotional advancement and institutional mobility. In other words, new recruits, as predicted by age and education, appear more "skewed" toward "movers" and away from the more "balanced mixture" of "movers" and "locals" found among the 1963 recruits. This contention, if true, may have important implications for the Federal Prison System.

The main concern is that it appears that this shift in recruitment pattern toward a younger, better educated group comes at a time when transfer and promotional opportunities may be decreasing. Recent partial or total hiring and promotional freezes provide dramatic demonstration of decreased opportunities for career advancement. And it is likely that the Federal Prison System will continue under budgetary pressure which will limit promotional opportunities in the future.

This suggests that the Federal Prison System may have reached a possible watershed with respect to correctional staff. On the one hand, the study results indicate that historically the Federal Prison System has been comprised of a mixture of career service "locals" and "movers," each with a contribution to make to the total work effort. On the other hand, information on present hirees suggests that the Federal Prison System has moved substantially in the direction of recruiting proportionately more individuals who, based upon age and education, appear to fall into the "movers" category whose careers are marked by transfers and promotions up the line. Yet this comes at a time when the indication is that both promotional and transfer opportunities are decreasing.

This would seem to have potentially serious implications for such matters as staff morale and turnover as staff realize that advancement opportunities are not more limited and that competition for promotion is greater than ever. These concerns need to be closely monitored and a need would seem to exist for innovative personnel programs to address the problems identified if the Federal Prison System is to continue to experience the success of the "career service" concept.

News of the Future

RESEARCH AND DEVELOPMENT IN CORRECTIONS

BY JOHN P. CONRAD

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"ADVENTUROUS CRIMINAL BEHAVIOR"

LAST YEAR, while I was sojourning in Texas, Sammy J_____, a prisoner in the Texas Department of Corrections, initiated a correspondence with me. Inspired by an article I had written, he had a lot of questions for my further consideration. Among them was the leniency extended to white collar offenders, an issue on which he held strong opinions: "You know as well as I do that the influence of money and politics has more to do with the incarceration of law offenders than does any of the reasons you stated." *(Responding to an earlier letter, I had mentioned my conclusion that the willingness of the courts to limit the punishment of most white collar offenders to a period of probation might be attributed to the belief that (a) they had already been sufficiently punished by the humiliation of arrest and prosecution, and (b) that they needed no rehabilitation because they were employable and most unlikely to repeat their offenses.)* "Nonetheless you fail to mention this fact. Why? In 1977, an estimated 40 billion dollars was attributed to white collar criminals. Yet, our prisons are filled with the poor. Does this not say something of the general feelings toward crime? However, if you are poor, lock the riff-raff up, and if it's Texas—all of his life!"

Sammy voiced a familiar complaint, not to be successfully silenced by advising the complainer to concentrate on the mote in his own eye, not the beam in his rich neighbor's eye. There are never many white-collar types in any state prison. In the Federal prisons, where they are more commonly found—usually occupying the most favorable accommodations available—they are still in a small minority. I have no idea how many of this breed of offenders are on probation at any given time, but I suspect that the conditions to which they are subject are not onerous, and their number not overwhelming.

It is a topic about which not nearly enough is known to discuss policy implications authoritatively with fellows like Sammy J_____. Some remarkable essays have been written by criminological celebrities like Edwin Sutherland, Donald Cressey, Marshall Clinard, and Gil Geis. All of them shed some theoretical light on the problem, and, to some extent, on the forces that propel middleclass men and women into the crimes of fraud, embezzlement, and other violations of trust. All of them are written with transparently veiled indignation; whatever the public thinks of white collar criminals, criminologists are outraged by their depredations.

What we don't know has to do with the facts. We have no data on the volume of this kind of offense, the numbers of people who commit it, the effectiveness of the sanctions that are imposed, and what happens to the white-collar offender once he's taken his medicine. Is it really true that these swindlers get away with $40 billion in any given year? If it's true, what is the breakdown of that figure, and how do we know it's authentic? How many offenders get away with how much loot before they are caught? Is it really true that the humiliation of arrest and prosecution is sufficient chastisement? Is it true that the typical white collar criminal goes right back to his office after his trial and continues with his work—or at least its honest aspects?

WHAT ELSE CAN AN EXECUTIVE DO?

For the last 15 years, Herbert Edelhertz of the Battelle Institute in Seattle has been preoccupied with questions of this kind. Although he can regale a listener with many a tale of outrageous fraud and malfeasance, I doubt that he can claim even approximate answers to the questions I have posed above. With support from the Law Enforcement Assistance Administration, he was able to organize a project in which a selection of district attorneys was funded to form demonstration units for the investigation and prosecution of white collar crime. A network of professionals with experience in the murkiest field of criminal justice was created out of this project. Even more important, I think, a large fund of knowledge was accumulated. It was not as systematically organized as a criminologist would like. That will come later, as judges and lawyers begin to evolve standards of practice and decisionmaking.

Out of the experience of this project some preliminary answers for my Texas friend have emerged. It's clear that the really important white collar crimes are far out of the reach of the typical bunco squad in a big city police department. Investigation of a pigeon drop scam is a long way from a complex Ponzi swindle, and even farther away from the elaborate frauds that the modern computer makes possible. It sometimes takes a task force of the FBI or the Postal Inspection Service to assemble the resources to build a case that can be taken to court. The formation of a special economic crime investigation unit in a metropolitan prosecutor's office opens up the possibility that a business fraud complaint can be followed through to a successful prosecution without making a Federal case out of it.

That kind of investigation unit is still unusual, and the lack of personnel to fill such units is one of the most important obstacles to the containment of economic crime. But even when adequate talent is available in adequate numbers, the investigation is very different from regular police work. When a citizen has been robbed on the streets of a big city, he is angry, his family and friends are angry, and the police are eager to follow the leads that will bring the mugger into custody. But when a consumer fraud has netted a shady operator thousands of dollars, it is often the case that the victims have not been sufficiently cheated to make them angry, or not angry enough to press the police to bring the culprit back to the police station in handcuffs. At a time when street crime dominates the news and obsesses men and women who have never been victimized, crime in the executive suites of the swindlers and cheats takes a modest place on police and prosecution priorities.

A couple of years ago, Edelhertz and his associate Thomas Overcast organized a symposium of experts to appraise the state of knowledge and the chances of adding to it. Out of the symposium papers a volume has been published on which I base most of my comments for this issue.[1] The short answer to the question that brought these experts together is that white collar crime research is still a wilderness. There are patches of well-tilled ground, clearings in a jungle where the flora and fauna have yet to be described taxonomically and counted.

Edelhertz and his associates observe that even though most people will agree that fraud is wrong and should be punished, there are many other white collar crimes that don't seem to be criminally wrong to the man on the street. For example, consider the violations of the Corrupt Practices Act by the Gulf Oil Corporation, reported by M. David Ermann and Richard J. Lundman in the Edelhertz-Overcast volume.

The statute was enacted by Congress in 1907, at the behest of President Theodore Roosevelt, who believed that it was unhealthy for large corporations to use their resources to influence the outcome of political campaigns. The act resulted in no prosecutions during the ensuing 50 years. What effect it may have had in discouraging illegal contributions we shall never know. It certainly did not discourage the Gulf Oil Company, which decided in 1959 to take aggressive steps to create a legislative climate in Washington that would be favorable to the oil industry in general. A fund was set aside to make contributions to favorably inclined congressional candidates. Obviously such largesse could not be distributed directly from the corporate treasury and accounted for in the corporate books. So allocations for political purposes were "laundered" through a Gulf subsidiary in the Bahamas and then sent to Gulf's Governmental Relations Office in Washington, where a trusted employee was stationed to distribute funds to worthy candidates for office. The amount passed out in this way began at a level of $200,000 a year before rising to more imposing amounts. Over the following 13 years about $5 million was disbursed by one employee, assisted by a few trusted associates. The whole operation came to light in the Watergate investigation when it was noted that about $100,000 had been donated to the Committee to Re-elect the President (CREEP), at the not very subtle instigation of Maurice Stans, the CREEP treasurer. The government proceeded against Gulf, and at the conclusion of the prosecution the almost painless fine of $5,000 was exacted.

This nearly ancient history is resurrected by Ermann and Lundman for analysis. It is clear that Gulf officials and at least some members of the Gulf Board knew that they were violating the law. They evidently had good reason to suppose that many other corporations had done likewise during the 50 years that the Corrupt Practices Act had been on the books. Secrecy was nevertheless carefully preserved. No records were kept by which allocations and distribution could be traced. There was complete trust of the officials who delivered the funds to the lucky recipients. Although there was no way to assure that some of these trusted officials did not skim off a share of these funds to compensate them for their trouble, they all seemed to be scrupulously faithful to their trust. There was no evidence of abuse in spite of the clandestine distribution of envelopes full of greenbacks to campaign treasurers in airport men's rooms.

The allocation of $5 million to the invisible distortion of the political process is a formidable violation of the law. The corporation executives decided that such a violation was a justifiable investment in the protection of Gulf's interests. They were willing to engage in the undignified process of laundering checks into cash and delivering it to politicians willing to accept money under such conditions. It is clear that the executives who knew about this operation—a carefully restricted group—did not think of their offense as immoral or criminal. On the contrary, Ermann and Lundman discovered that there were numerous rationalizations of this long-lived project to corrupt the government. Everybody was doing it; not to do it would put Gulf at a disadvantage in competition with other oil corporations. Then the law had never been enforced; surely the consequences to the corporation in the unlikely event of detection would not be burdensome—as in that unlikely event they were not. Most important of all, Gulf executives thought they had a duty to the stockholders to maximize profits by making sure that Federal regulations would be as predictably favorable as possible. Looking at the situation from this boardroom angle, what else could a responsible executive do but violate the Federal law?

There will always be much more difference of opinion about the harm done by this kind of crime as compared with an armed robbery or even the embezzlement of deposits by a bank officer. What troubles the outsider, as one who is not likely to be tested by the dilemma facing the Gulf people, is the situation in which a corporate officer decides that it is his duty to violate the law and to take all possible measures to avoid detection. Down this track are all the rationalizations anyone needs to justify even more serious offenses than transgressions of the Corrupt Practices Act—all for the purpose of furthering the prosperity of the firm.

In the end, Gulf was exposed and punished. Criminologists like Ermann and Lundman—and myself—are concerned about the implications of this kind of offense. But it is hard for anyone to recommend preventive measures without more comprehensive information. It is easy for a would-be reformer to exaggerate the seriousness of a situation that he believes should be corrected, but corrective measures cannot be safely designed without knowledge of how the crimes were committed and how they could best be detected. Research must be done, research of a kind that has been infrequently attempted because of its difficulties, not to say the possibility of devoting time and resources to projects that cannot be brought to successful completion.

As the title of their book promises, Edelhertz and Overcast have encouraged their contributors to project a practical agenda for research. All of them complied. It fell to the lot of Gil Geis to organize their recommendations into an orderly list, and to add from his long experience his own reflections about the strategies for acting on them.

THE AGENDA FOR RESEARCH

Geis did not disappoint his colleagues. His research priorities are systematic and sensible. Beginning with a statistical system, it is clear that not much sense can be made of the problem until we know how many crimes are reported and how they were disposed of. Why not commission the Bureau of Justice Statistics to produce an annual Uniform White Collar Crime Report? It would begin with all sorts of vexations as to the comparability of reports from jurisdiction to jurisdiction, with arguments about the significance of changes from year to year, and with all the definitional preplexities that bedevil criminologists who engage in the study of economic crime. To bring these complexities out into the daylight would surely be to the public benefit. The surveys that attempt to sound out public attitudes—surveys which Geis strongly favors—have to classify responses that are almost entirely founded on ignorance, surely an exercise in expensive futility.

But the publication of the Uniform Crime Reports is now an invariable item of front-page news every autumn, and even the quarterly interim reports get substantial media notice. Is it too much to expect that the significance of shifts in the rate and gravity of economic crimes might intensify public interest sufficiently to support measures to reduce them?

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[1] Herbert Edelhertz and Thomas D. Overcast. *White-Collar Crime: An Agenda for Research*. Lexington, Massachusetts: Lexington Books, 1982.

The next question on Geis' list is cost. I have no idea where Sammy J—got his figure of $40 billion a year. It isn't hard to slap together an estimate of this kind, as Geis acidly notes, especially when there are no authoritative data to contradict the guesswork. Geis would summon "highly trained economists" to this task. I suspect that the cost-accounting will be an annex to the Uniform White Collar Crime Reports, in which these highly trained savants will be joined by the investigators who collect the data on which prosecutions are based, the lawyers who take the prosecutions into court, and the statisticians who will have the unenviable assignment of putting the UWCCR together every year.

However it's to be done, on the American scene, the appraisal of costs is indispensable. No cost-conscious man on the street will take white collar crime seriously until he has some idea of how much it costs him and his family. Outrage at a mugger's assault on his personal safety is a simple matter of fear and trembling in which pocketbook economics plays little part. Outrage at the depredation of a swindler or a corrupter of political integrity must be based on a convincing statement of out-of-pocket costs to this man on the street if he is to demand appropriate preventive action.

Geis gives a good deal of attention to the way in which the press and television report white-collar crime. Exposure of such offenses is often thought to be punishment enough; defense lawyers usually make this point and they are generally echoed by judges in administering a sentence. Well, what *are* the social and economc consequences of public spotlighting? Geis doesn't know and neither does anyone else. It would obviously be helpful to find out, if only to deflate the claims of defense attorneys as they throw their clients on the considerate mercies of the courts.

Next comes a need for case studies. Geis rightly points out that such studies can often be indistinguishable from second-rate journalism. Still, ways should be found to explore the motives of the criminals, their milieu, the effects on the victims, and the events that bring the crimes to official attention. Much of this kind of study must investigate the whole organization responsible for the offense, as, for example, the Gulf Oil Company in the case I've described above.

Out of such studies, many important conclusions might be mustered. For our purposes, the most important concerns the control and the sanctions needed to establish the criminality of these prohibited acts and to deter their repetition by the perpetrators themselves and by those who decide that everyone has to do it if a company is to stay in business.

Sammy J—would lock them up—for years, I guess. Some judges think that justice has been done with a fine and year or so of probation for the principal parties. The fine may be trivial and the probation nominal, but the court has acted. Other judges require a term of public service—a sensible restitutive solution in which the talents of an errant senior business administrator are applied to the struggles of a charitable enterprise. These and other sanctions, including prison terms, have the fault that no one knows what good is done by any response in the absence of systematically collected information.

It may be contended that in hard times studies of the kind proposed by Geis are too expensive to fund, and too far afield from the obsessive preoccupation of the public with street crimes. Maybe so, but those who suppose that there is no connection between crime in the street and crime in the suite—to use a rhyme attributed to Geis himself—might discuss the two issues with Sammy J—. He knows the links of cynicism and rapacity and sleazy rationalizations that connect white collars with the grimy collars of the mugger and the burglar.

Looking at the Law

BY JUDD D. KUTCHER

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THE PROBATION OFFICER'S ROLE IN SEARCH & SEIZURE OF PROBATIONERS

Conducting searches of probationers or parolees is the primary responsibility of law enforcement officers, not probation officers. Probation officers should only search an offender in the rare circumstances where there is no apparent alternative to resolve an immediate problem, such as an offender's imminent destruction of evidence, or imminent threat to harm himself or others by use of a weapon. When an officer does make a search it must be in strict accord with administrative and legal requirements, as explained below.

A probation officer has inherent authority to *visit* an offender at his home or place of business, as part of the officer's supervision duties for the court or the Parole Commission. 18 U.S.C. §3655; *United States* v. *Rea*, 678 F.2d 382, 387 (2nd Cir. 1982); *United States* v. *Workman*, 585 F.2d 1205, 1208 (4th Cir. 1978); *Latta* v. *Fitzharris*, 521 F.2d 246, 256 (9th Cir. 1975) (Hufstedler, J., dissenting). *Cf. Wyman* v. *James*, 400 U.S. 309 (1971).

In parole cases, a Federal probation officer is bound by the regulations issued by the U.S. Parole Commission. In probation cases, the more prudent view would be that a Federal probation officer should obtain a search warrant to conduct an unconsented search of a probationer or his property, in the absence of a valid exception to the warrant requirement. *United States* v. *Rea*, *supra; United States* v. *Workman*, *supra*. Valid exceptions to the search warrant requirement would include a search by consent, exigent circumstances (i.e., an emergency situation involving destruction of evidence or possible injury to a third person), a search incident to an arrest, or a plain view search.

At this time, there is no statutory authority for a probation officer to comply with the requirement of obtaining a search warrant. However, a proposed amendment to *F.R.Cr.P.* 41(a), would expressly authorize a Federal probation officer to obtain a search warrant. See *Preliminary Draft of Proposed Amendments to the Federal Rules of Criminal Procedures*, Committee on Rules of Practice and Procedures of the Judicial Conference of the United States 62-64 (Oct. 1981).

A supervising court might obviate the search warrant requirement by imposing a special search condition of probation on a case-by-case basis. A special search condition would need to be carefully drawn (i.e., authorizing a search by a probation officer in a reasonable manner and place, and at a reasonable time). *See United States* v. *Consuelo-Gonzales*, 521 F.2d 259, 263 (9th Cir. 1975). Also, a court may only impose a search condition where such a condition would be reasonably related to the rehabilitation of the particular probationer or the protection of the public. *Id.* Examples of probationers who might require a special search condition would include offenders convicted of crimes involving drugs, stolen property, or smuggling of persons or drugs.

A search by a probation officer would need to be justified *in advance*, by application to a federal magistrate (or appropriate state judge) for a warrant under *F.R.Cr.P.* 41(a). The probation officer, drawing upon reliable sources, would have to justify his proposed search to the respective judicial officer by establishing a "reasonable basis" for his conclusion that the probationer had violated a condition or conditions of probation and that a search of the named place or person would lead to the proof necessary to show that a violation had in fact occurred. *See e.g.*, *United States* v. *Scott*, 31 Cr. L. Rptr. 2279 (5th Cir. June 7, 1982); *United States* v. *Rea, supra; United States* v. *Workman, supra; United States* v. *Bradley*, 571 F.2d 787, 790 (4th Cir. 1978).

Similarly, a probation officer should obtain prior court approval to search pursuant to a special search condition. This approach would comport with the principle that any possible or perceived abuse of discretion in probation officer searches would be more easily prevented "by prior judicial approval than by post-hoc judicial review." *United States* v. *Rea, supra*, 678 F.2d at 390; *United States* v. *Bradley, supra*, 571 F.2d at 790.

A probation officer can, and should where appropriate, seek the assistance of law enforcement officers to ensure his safety and security during a search of a probationer. However, the probation officer must be in charge of the search. The officer cannot act as a "stalking horse" for a law enforcement officer. *See United States* v. *Gordon*, 540 F.2d 452, 453 (9th Cir. 1976); *United States* v. *Jeffers*, 573 F.2d 1074 (9th Cir. 1978). Under no circumstances should a probation officer resort to force to execute a search. Finally, the probation officer must fully document his justification for each search in the offender's case file, as well as the results of the search.

The above procedures, including proper documentation, should help ensure that the results of a legitimate probate officer search are admissible for revocation purposes. *See United States* v. *Rea, supra*, 678 F.2d at 388-90; *United States* v. *Workman, supra*, 585 F.2d at 1208-11 (applying exclusionary rule to probation revocation proceedings where search is by probation officers).

USE OF SPLIT SENTENCE IN MULTI-COUNT CASE

In the past, the common view was that the split sentence option of the federal probation statute, 18 U.S.C. §3651, paragraph two, was only to be used in connection with a single count indictment, since that was the circumstance Congress designed it for. *See United States* v. *Hooper*, 564 F.2d 217 (7th Cir. 1979). But a recent decision of the Fifth Circuit has expressly ruled that a district judge has statutory authority to impose a split sentence in a multi-count case. *United States* v. *Entrekin*, 675 F.2d 759 (5th Cir. 1982).

The defendant argued that the district court lacked statutory authority to impose concurrent prison terms and split sentences in a multi-count case. The Court of Appeals explained that while Congress' intent in enacting the split sentence provision may have been to expand a sentencing court's flexibility on a one-count indictment, there is no suggestion in the legislative history of the amendment of a "congressional intent to *prevent* the imposition of mixed imprisonment probation sentences in multi-count convictions." 675 F.2d at 761. *Cf. United States* v. *Mekjian*, 505 F.2d 1320, 1322 (5th Cir. 1975).

PROBATION OFFICER RESPONSIBILITY; QUESTIONABLE SENTENCES

A sensitive issue is whether or how a probation officer should respond to a situation where he strongly doubts the legal validity of a sentence which the court has imposed or plans to impose. As the court's agent (18 U.S.C. §3654, 3655), I believe the officer's responsibility would include alerting the court of a perceived illegality of a sentence, together with the statutory or case law basis bearing on the issue. Rule 35(b), *F.R.Cr.P.*, which authorizes and obligates a court to correct an illegal sentence at any time, would support this approach.

PROBATION TERM; AUTOMATIC EXTENSION

Two forms of extensions of probation require a court order, a third does not. When a court grants probation, it may order a stay of the commencement of probation, in effect an extension, pending appeal. *F.R.Cr.P.* 38(a)(4). To extend a defendant's probation during probation, *F.R.Cr.P.* 32.1(b) requires a modification hearing and a court order.

An exception to that requirement of rule 32.1(b) would be where the probationer is unavailable for supervision because of such reasons as imprisonment on another offense or absconding. *See United States* v. *Workman*, 617 F.2d 48, 51 (4th Cir. 1980); *Ashworth* v. *United States*, 391 F.2d 245 (6th Cir. 1968). The primary significance of this interruption (tolling) of probation would relate to the court's supervision jurisdiction over the defendant for purposes of a revocation proceeding. For example, tolling might extend the 5-year period during which the court must act, or it might extend an imposed probation period of less than 5 years, which would be relevant to the requirement that the defendant's violation occurred during his probation period. 18 U.S.C. §3653; *see e.g.*, *United States* v. *Swanson*, 454 F.2d (7th Cir. 1972). In this extension circumstance, the defendant is not *entitled* to have this time included in the computation of either his imposed probation period, if less than 5 years, or section 3651's maximum 5-year period. The loss of this time occurs automatically by operation of law without the necessity of a court order. *Id.* However, while a court order is not required, the court must affirmatively adjust the computation of the defendant's probation. Preferably, the court would instruct the probation office to take this action in all probation cases. Also, since this affirmative action is necessary, the court can override the presumptive noncredit by leaving the probationer's discharge date the same.

PRETRIAL DIVERSION; LIABILITY OF PROBATION OFFICER

While there is no statutory authority for pretrial diversion, there is statutory authority for a court to direct its officers to perform these functions for the government, as a courtesy. 18 U.S.C. §3655. Section 3655's ending sentence includes among a probation officer's duties: "such other duties as the court may direct." Presumably, a court could instruct its probation officers to perform this type of function for another district, too.

The key necessity for liability protection is a specific court direction, preferably written, to perform such duties. With such an instruction, an officer's protections from liability—judicial immunity, quasi-judicial immunity, or a good-faith defense, depending on the specific function, would apply in the same way as they would for the regular probation officer duties performed for the court.

YOUNG ADULT OFFENDER

Sentencing under the YCA is absolutely the same for a youth offender or a young adult offender. Section 4216 states, in relevant part:

> [If] the court finds there are reasonable grounds to believe that the defendant will benefit from the treatment provided *under the Federal Youth Corrections Act* (18 U.S.C., chap. 402) *sentence* may be imposed pursuant to the *provisions* of such Act [the YCA]. (Emphasis added.)

The only difference between the two types of offenders is that the court must make an affirmative "benefit" finding to sentence an individual if age 22-25 under the Youth Corrections Act.

REVOCATION PRIOR TO THE START OF PROBATION

The probation officers often inquire whether it is possible for a court to revoke the probation of an individual prior to the commencement of his probation, based on an allegation that the defendant had committed a new offense. The following two cases support the proposition that the court can revoke the probationer in that circumstance:

(1) *United States* v. *Jurgens*, 626 F.2d 142, 144 9th Cir. 1980) (defendant alleged to commit new embezzlement during presentence investigation);
(2) *United States* v. *Wiygul*, 578 F.2d 577 (5th Cir. 1978) (parole violations justified revocation of probation).

Also, see Legal Opinion No. 2, *Guide to Judiciary Policies & Procedures*, Vol. X-B, Page LO-3 and 4 (Probation Manual), and cases cited therein.

SENTENCING; 18 U.S.C. §2114

The mandatory 25-year sentence for a violation of 18 U.S.C. §2114 is not "mandatory" for the purposes of probation or parole. Both probation and parole are permissible in connection with §2114:

(1) *United States* v. *Davis*, 560 F.2d 144 (3rd Cir. 1977), *cert. denied* 434 U.S. 839:
(2) *United States* v. *Moody*, 530 F.2d 809, 811 (8th Cir. 1976).

YCA SET ASIDE; PRIOR DISCHARGE

In *United States* v. *Arrington*, 618 F.2d 1119 (5th Cir. 1980), *cert. denied*, 449 U.S. 1086 (1981), the court held that it need *not* discharge a youth offender *prior* to the end of the maximum sentence imposed upon him in order to set aside his conviction. 18 U.S.C. §5021(b). However, that interpretation is entirely at odds with the express language of the statute:

> The court may thereafter, in its discretion, unconditionally discharge such youth offender [whom the court has placed on probation] from probation *prior to the expiration of the maximum* period of probation theretofore fixed by the court, *which discharge* . . . (Emphasis added.)

See *United States* v. *Bronson*, 449 F.2d 302 (10th Cir. 1971), *cert. denied*, 405 U.S. 994.

A recent decision which squarely discusses this issue is *Tuten* v. *United States*, 440 A.2d 1008 (D.C. 1982), which involved a defendant sentenced under D.C. Code 1981 §22-2304; 18 U.S.C. §5024. It flatly rejects *Arrington*. 440 A.2d at 1010-1011, & n.1, 1012.

According to *Tuten*, the youth offender *must* be discharged early in order to be entitled to the set aside of his conviction. *Id.* The cases upon which *Arrington* relies (*United States* v. *Purgason*, 565 F.2d 1279 (4th Cir. 1977); *United States* v. *Fryer*, 545 F.2d 11 (6th Cir. 1976), and *Minshew* v. *United States*, 410 F.2d 396 (5th Cir. 1969)), fail to support its interpretation. None of these decisions involved a youth offender not discharged early, except *Fryer*. In *Fryer*, a clerical error caused the defendant to not be discharged early. The district court cured this defect by a *nunc pro tunc* order. 545 F.2d at 13 n.3.

Letter to the Editor

More on Discretion and Disparity

TO THE EDITOR:

The June 1982 issue of your publication, to my mind, represented an outstanding effort to gather relevant material on the current correctional muddle of goals and directions.

In an issue so chock full of good things, it is difficult to single out an article of special relevance. Nevertheless, for the line worker, I believe that Robert L. Thomas' "Court–Prosecutor–Probation Officer: When Is Discretion Disparity in the Criminal Justice System?" represents an important overview to ground the disturbed investigating probation professional.

Not only does Mr. Thomas underscore the seldom researched problem of prosecutorial discretion and its impact, but also he (in my opinion) *necessarily* belabors the obvious that investigating P.O.'s must not fall into the trap of "rubber-stamping" sentence bargains hammered out under the pressure of the divinity of calendar movement.

While these practicalities need perhaps further hammering home, I also felt some problems had not been confronted by Mr. Thomas.

I think he has underestimated the problem of judicial disparity: the underlying research in *Crime And Punishment in New York, An Inquiry Into Sentencing And the Criminal Justice System* (Report to Governor Hugh L. Carey, prepared by the Executive Committee on Sentencing, March, 1979) amply demonstrated to this writer the inconsistent philosophy of the judiciary in sentencing. A variety of judges, given the same presentence investigations, arrived at not only different conclusions among themselves, but showed no clear philosophy in the decisions the judges individually made.

But that is a systems problem. For the probation professional, a far more pressing issue for the investigating P.O. is the resolution of how the muddied role of the system touches his recommendation—a problem that moves beyond the problem of his personal "bias."

Caught in the conflict between community protection (with demands for less "softness" on crime) and pleas to reduce prison overcrowding and be "cost-effective," the investigating probation officer is left in a no-win situation.

The same Governor Carey, mentioned above, proposed (unsuccessfully, thank God) that probation funding in our state be tied to the percentage of defendants eligible for probation sentence being placed thereon. In our jurisdiction, due to overcrowding, turn-around time for presentence reports has been cut in half.

The investigating probation officer would indeed benefit from a rational synthesis of the current "protect the community" vs. "reduce overcrowding" dialectic.

I would hope Mr. Thomas and others would address themselves to this problem as well.

July 28, 1982

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Reviews of Professional Periodicals

THE JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY

Reviewed by EUGENE H. CZAJKOSKI

"Symposium on the Criminal Code of the People's Republic of China" (Spring 1982). On an earlier occasion, this reviewer observed that spice is added to criminological study whenever exotic comparisons can be made. The earlier occasion involved the review of an article on Soviet criminology. The greatest opportunity for a dramatic juxtaposition falls along the occidental-oriental culture axis. The Soviet Union, among the inscrutable Eastern countries, has been comparatively the most accessible for purposes of seeing what the other half of the world does in regard to the problems of crime. Of course, China, with its massive and arcane culture, is, in most Western eyes, the archetypical foreign society. It is the reverse of the world we seem to know and Western folklore is replete with ideas suggesting China's antithetical character. However, in terms of criminological substance, very little has come out of China and thus the intrigue is enhanced. Moreover, in recent years, China has revolutionized its complex language so that translations, at least initially, have become more complicated. For example, the translation of Mao Tse-Tung has changed to Mao Zedong.

The Symposium on the Criminal Code of the People's Republic of China contains an English translation of the criminal law (192 articles) and criminal procedure (164 articles) adopted by the National People's Congress on July 1, 1979. The translation was done by Jerome Alan Cohen of Harvard Law School. In addition to the translation, there is an article by Shao-chuan Leng on "Criminal Justice in Post-Mao China," an article by Harold J. Berman, Susan Cohen, and Malcolm Russell which compares the Chinese code to the Soviet code and an article on the presumption of innocence in China by Timothy A. Gelatt.

While the Symposium may not quite offer "everything you wanted to know about criminal law in China (but were afraid to ask)," it does provide a mine of information and perspectives on a subject seldom reported in Western criminological literature. It should satisfy the average Western taste for the exotic.

In a way, the Chinese criminal code appears like a self-caricature which reinforces Western impressions on Chinese naivete, dogmaticism, suspicion and looseness of defining wrongs. Consider the first article in the criminal law which reads: "The Criminal Law of the People's Republic of China, taking Marxism-Leninism-Mao Zedong Thought as its guide and the Constitution as its basis and adhering to the policy of combining punishment with leniency, is formulated in the light of actual circumstances and by bringing together the concrete experiences of all of our country's ethnic groups in carrying out, under the leadership of the proletariat and on the basis of the worker-peasant alliance, the people's democratic dictatorships—that is, the dictatorship of the proletariat—and in conducting socialist revolution and socialist construction." Further consider phases in the second article such as: "... to maintain social order, order in production, order in work, order in education and research and order in the lives of the masses of the people and to safeguard the smooth progress of socialist revolution and the work of socialist construction." Some of the rhetoric and buzz-words seem as if they could have been drawn from the script of a 1950's movie based on the stereotype of a communist country.

The sheer number of offenses is awesome and includes: crimes of counter-revolution (e.g., "whoever organizes or uses feudal superstition or superstitious acts in secret societies to conduct counter-revolutionary activities... "); crimes of endangering public security (e.g., "communication or transportation personnel who violate the system of regulations and thereby cause major accidents... "); crimes undermining the socialistic economic order (e.g., vengeful destruction of machinery, illegal wood chopping, illegal hunting or fishing etc.); crimes infringing on the democratic rights of citizens (e.g., publicly insulting another person through the use of "posters"); crimes of disrupting the administrative order of society (e.g., "sorcerers or witches who use superstition to engage in rumor-mongering"); crimes of disrupting marriage and the family (e.g., knowingly cohabitating with the spouse of a member of the armed forces on active duty); and crimes of dereliction of duty (e.g., neglect of duty causing major loss to the interests of the state and the people).

The examples selected above are designed to reveal some of the more unusual crimes by Western standards. The Chinese code certainly includes most of the crimes familiar to Westerners (bigamy, rape, prostitution, gambling, theft, assault, treason, abduction, counterfeiting, etc) but ambiguous words abound in defining the scope of these crimes. The Chinese code includes the death penalty (by shooting), allows for parole and permits the confiscation of the property of a convicted defendant. "Counter-revolutionary purpose" is a key element in many of the Chinese crimes. The youth of an offender is a mitigating factor and youth of victim, in the case of rape, is an aggravating factor.

The Chinese code bears "a strong family resemblance" to the Soviet code. However, the Soviet code features strict legality with precise definitions of criminal acts and specific statements of procedures rights. The Chinese code, by comparison, is "more simple, much more general, much more programmatic and much more moralistic in syntax and style." As stated in the article by Berman, Cohen and Russell, "the present Russian codes embody the law of a revolution that has settled down; the present Chinese codes embody the law of a revolution that is still boiling."

Dealing with the presumption of innocence presents the Chinese criminal justice system with a grave and contradictory conceptual problem just as it does in Anglo-American systems. A part of the problem relates to the investigatory responsibilities and the extensive pretrial activities which result in the determination that a case should go to court. Americans cannot afford to be too cocky about how we handle the concept of the presumption of innocence given our pretrial detention practices and the way we handle certain minor offenses such as traffic violations.

Although China's current criminal code is a reflection of the reform movement which followed the upheavals of the Cultural Revolution, the death of Mao and the travails surrounding the "gang of four," it doesn't seem that China's problems with criminal justice are that much different than those of the rest of the world. Regardless of the comparative elasticities in definition, crime is a serious problem in China and it is a serious problem in other countries including our own. In trying to recover from the chaos and injustices brought about by the Mao leadership and the Cultural Revolution, the post-Mao government is trying to win back public confidence by rejuvenating criminal justice. By the end of June 1980, over 1 million criminal convictions arising during the Cultural Revolution were reviewed and more than one quarter of a million wrongfully handled cases were redressed. In 1979, so-called "class enemies" (former landlords and rich peasants) had their political and civil rights restored. Before that, 110,000 people detained as "rightists" were released. Courts have been freed from direct supervision by local governments and China's Supreme Court has been given additional power to interpret the constitutions and laws although the highest authority in that regard is retained by the Standing Committee of the National People's Congress. All death sentences must have the approval of the Supreme Court although that requirement has been temporarily suspended in cases of murder, robbery, rape, bombing, arson, poison, breaching of dikes and sabotage of communications or power facilities. China seems to be stumbling toward the rule of law with little certainty that the direction will be maintained. Rehabilitation in labor camps, rump tribunals, humiliating interrogations, and illegal detentions are still very much in evidence. Criminal justice personnel are very much lacking in training and education. Communication in the huge, largely rural country is inadequate and there is little tradition of legal awareness among the populace. The authoritarian heritage and the harsh dictatorial tradition of the communist party will make implementation of the new criminal code most uncertain. Even if adequately implemented, the criminal code falls far short of Western legal standards and even falls short of Soviet legal standards.

CRIME AND DELINQUENCY

Reviewed by CHARLES L. STEARNS

"Deadly Force in Law Enforcement," by Arnold Binder and Peter Scharf (January 1981). The use of deadly force by police has ramifications that extend far beyond the usual concern for fatalities, suggest Arnold Binder and Peter Scharf in their analysis of available data on police shootings. Media coverage with substantial political consequences makes the topic a fertile one for review.

Several case citations lead into a discussion of philosophical and historical perspectives involving important moral questions, including "when does one have the right to take another human life." English common law as the point of departure sets the foundation upon which the legal right of police officers to use deadly force emerges.

Current mechanisms for the control of deadly force are highlighted along with current codes and recent court decisions that simultaneously justify and control police shootings. A review of the literature suggests that the courts have provided both ameliorative interpretation and constitutionality.

In conceptualizing the decision by police officers to use deadly force, a distinction is made between a reasonable and correct decision and the final decision as the endpoint of a series of decisions. Thus, in the process of determining to use or not to use deadly force, alternatives may be reduced by intermediate decisions.

To illustrate the state of knowledge regarding police shootings, the incidence of fatalities among blacks is analyzed. The authors conclude the analysis with the observation that the high mortality rate of blacks in police shootings seems to result primarily from community characteristics rather than a tendency on the part of police to treat black and whites differently. Even though black victimization rates are two to four times the proportion of blacks in the population, the rate is remarkably close to the arrest rates for blacks.

In summary, the authors acknowledge that race enters as a differentiating factor in police shootings, but the data available is too meager to draw valid statistical conclusions. Thus, the need for research is great and limited research data available must be used to raise the probability of success and to stimulate thoughtful rather than emotional debate.

"Female Ex-Offenders and Community Programs: Barriers to Service," by Diane K. Lewis (January 1982). Diane K. Lewis conducted a 7-month study focusing on the service needs of female jail inmates in a major west coast city, on the types of human service programs available and on the extent to which community resources were accessible to the women on their release and concluded that women released from jail encountered formidable barriers when they attempted to learn about and make use of community resources.

She estimates that nationwide, the recidivism rate for women released from jail ranges from 50 to 80 percent and she attributes the "revolving door syndrome" largely to the poor resources in the communities to which the women return, as well as to the general indifference to their needs.

The study was partly the product of interviews with 66 female inmates where she found characteristics representative of incarcerated women nationwide. While in jail, the resources for women are inferior to those for male inmates and, upon return to the community, resources are inadequate and insensitive to the needs of women.

In the absence of increased funding for correctional or community services, Ms. Lewis suggests that community programs should consider the special needs of women ex-offenders, the highest priority should be given equity in services provided to male and female offenders, better planning and interaction of custodial and community service workers, community programs must include advocacy components, ex-offenders should be recruited to occupy leadership positions and to act as role models, and, finally, there needs to be better utilization of volunteers from the community to provide assistance to ex-offenders.

"Conjugal Association in Prison: Issues and Perspectives," by Ann Goetting (January 1982). This interesting but rather superficial article by Ann Goetting examines conjugal association programs in the United States and reviews the debate in the literature over the merits of such programs.

Although there appears to be a trend in prison policies toward liberalization of visiting practices, only seven states, Mississippi, South Carolina, California, New York, Minnesota, Connecticut, and Washington, now provide for private and intimate meetings of family members. A brief and concise description of the specific program components is provided, contrasting the individual state difference.

Thereafter, the author addresses the debate between the conservatives, articulated mainly by the correctional establishment and right-wing politicians opposed to conjugal association, and the liberals put forth by social scientists, liberal journalists and ex-convicts. The arguments have remained essentially unchanged over the last 35 years and are addressed in view of related moral, practical, and legal questions.

Arguments favoring conjugal visits on moral grounds consist essentially of appeals to humanism. On practical grounds, conjugal visits are designed to reduce tension and hostility, provide an incentive for conformity, and promote both marital stability and a more normal lifestyle in preparation for return to the community. Under legal perspectives, the social upheaval of the 1960's and 1970's, including the thrust for prisoners rights, has made the issue of sexual deprivation the subject of judicial opinion.

Arguments opposing conjugal visits cite moral perspectives, a blatant inequity favoring married persons. Most opposition to conjugal association, however, is based on practicality, specifically, the problems of social support, custody and security, financial limitations and consequent pregnancies. Legal arguments address the concern for the state regarding risk of personal injury or property loss.

The rhetoric notwithstanding, there is no valid research support for the view that conjugal association programs reduce homosexuality, enhance social control, normalize prison lifestyle, increase postrelease success, or stabilize marriages. Research exploring the outcomes of family visiting is needed to aid administrators in decisions about implementation of new programs and improvement of those already in operation.

CORRECTIONS MAGAZINE

Reviewed by OMAR G. RIOS

"Accreditation on Trial," by Stephen Gettinger (February 1982). This article examines the pros and cons of the accreditation process which the Commission on Accreditation for Corrections uses to evaluate institutions and their programs. Attempts to establish minimum standards for prisons date back to 1870 when the American Prison Association, now the American Correctional Association, was formed. Standards have been published by ACA since 1946. In 1974, ACA developed a Commission on Accreditation, which was funded by LEAA. Funds were also allocated by LEAA to 12 states to do self-evaluations and cost estimates to comply with the 1977 ACA standards.

The accreditation process begins with an institution applying for accreditation and with paying a fee ranging from $3,000 to $12,000, depending on the institution's size. They complete a standard-by-standard self-evaluation and offer evidence that the institution is "in compliance" with each standard. If CAC accepts the report, then an audit team, generally current or retired professionals from corrections agencies, is sent to the institution or agency for examination or inspection.

The 1977 edition of the standards has 465 standards that cover every aspect of running an institution. There are 404 "essential" standards, 56 "important" standards, and five "desirable" standards. An institution does not have to meet every standard in order to qualify for accreditation. "It can fail ten percent of the essential standards, twenty percent of the important standards, and thirty percent of the desirable ones." The institution must submit a "plan of action" to explain how it will make improvements for any standard found to be "out of compliance."

The audit team's field report is considered by a panel of commission members who vote on whether to award accreditation, after it hears any appeals from the agency or institution. Accreditation is good for 3 years. The accredited institution must submit annual reports on its progress toward remedying those standards which it failed. Once during the accreditation period the CAC sends an auditor to monitor the facility. If its performance has slipped, accreditation can be withdrawn.

In 1979, the Commission discovered that under the 1977 standards it was possible for an institution to be accredited, under the percentage requirements, and still pose serious safety hazards to the inmates. The Commission voted in September 1979 to designate 17 health and safety standards as mandatory. In 1981, this number was expanded to 44.

To date, 49 states, 13 Federal and 3 Canadian Adult Correctional Institutions have been accredited. Twelve of these institutions are maximum security prisons. So far, 455 agencies and institutions in the United States and Canada have applied for accreditation.

Critics who have disagreed with the accreditation of certain institutions point out that accreditation will become meaningless, that this idea for upgrading prisons will be lost, that accreditation is awarded based on promises to improve, that standards are being compromised by the "good-old-boys' thing," and that the process by which accreditation is applied tends not to be supported. A Commission member, who plans to quit, largely because he does not have confidence in the Commission's procedures, believes that the Commission's activities must be open to public scrutiny and participation at every stage of the process.

Supporters of accreditation believe that the future of American Corrections can be changed by the process. People are forced to see how things could be done better. Their hope is that, if the idea of accreditation is accepted, and with a gradual tightening of standards, outdated "megaprisons" will be either reformed or abandoned. Improvements have been made in old institutions because of the accreditation process and its permanence is the only effort nationally towards improving corrections from within. One of the first priorities is to convince corrections administrators that accreditation is within reach and is valuable. Winning accreditation can boost institutional morale, provide proof to governors and legislators that things are going well, and outsiders can help to point out unnoticed problem areas. The CAC research director feels that it may be 5 or 10 years before real changes will be seen in institutions due to accreditations, but changes will be seen. Accreditation ought to be seen as a commitment to improvement. Institutions and facilities ought to continue trying to improve according to a set of professional standards.

"VisionQuest's Rite of Passage," by Paul Sweeney (February 1982). VisionQuest was started in Tucson, Arizona, in 1973. This treatment program for juvenile delinquents uses several plans in a wide variety of settings. Wilderness camps provide extensive wilderness training. The Wagon Train Program has 12 wagon trains throughout the United States. The Lodge Program is the training center for the Western wagon trains. Group Homes are nine residential treatment centers in Tucson. The Home Quest Program in Globe, Arizona, and Erie, Pennsylvania, is intensive counseling for problem youngsters and their parents while the youngsters remain at home.

Forty-one percent of juveniles who participate in these programs are status offenders. Most of the remaining 59 percent of the youngsters have spent an average of 17 months each in state institutions, foster homes, and in other residential programs.

VisionQuest uses Synanon-style confrontation therapy, in which counselors shout at and physically restrain youngsters. This heavy confrontation therapeutic procedure has led several states and the Federal Government to investigate VisionQuest in 1979 and 1980. Only Federal CHAMPUS (Civilian Health and Medical Program of the Uniformed Services) has decided to withdraw funding. This decision has been appealed by VisionQuest and a hearing is being awaited. All other state agencies that have also investigated VisionQuest have found nothing substantially wrong. State certification has been retained.

"Though there are no firm statistics to prove it, judges, parents, and youngsters who have been involved with VisionQuest are convinced that the rigorous 12 to 18 month program of hard work, hard play, and therapy changes delinquent behavior."

"Contract Medical Care: Prescription For Change," by John J. McCarthy (April 1982). Correctional Medical Systems, Inc. (CMS) is a growing, private, profit-making company that contracts with prisons to manage their health care services. For the past 10 years, some prison health care has been provided by contract and this manner of providing prison health care seems to be a way of the future. Surveys in 1981 by the Center for Human Services in Washington, D.C., revealed that 62 percent of 82 prisons and jails surveyed were receiving some medical services from the private sector. Only during the past 2½ years have some entire prison systems begun using private companies to supply all their medical needs. Entire medical services are being provided under contract in Maryland, Alabama, Arkansas, and in Delaware. CMS is the largest prison health care management firm in the United States and it has contracts with 16 prisons in five states, with an estimated inmate population of 18,000.

"The primary reason for this boom is simple—lawsuits." There are 29 separate prisons and six entire states currently under court order to upgrade inmate health conditions. Prison officials across the country have been making sincere efforts to improve health systems. Health standards have been included since 1977 as part of prison accreditation requirements. Contract health care costs more. Officials feel it is worth the cost and in those states where contracting for medical health care has taken place a drastic drop in lawsuits has been evident, such as in Delaware. Another benefit, such as in Alabama, has been the prison system being in compliance with Federal court order of 1972 (the medical requirements of the order). Another benefit seen in Illinois is in the number of medications distributed to inmates and the taking of 25 percent fewer x-rays since CMS took over in March 1981. Contract agencies have enormous resources available to them and they have a strong financial vested interest in the quality of their product.

The continued threat of inmate lawsuits encourages the medical staff to seek second opinions and monitoring by state health departments or managerial audit committees helps insure that standards remain high. Management accountability is evident in the few states that have established review and proper monitoring procedures.

The profit motive has been introduced into prison health and this is one of the most irksome aspects of contract health management to some state corrections employees.

"Crisis in the Jails: Overcrowding Is Now a National Epidemic," by Richard Allinson (April 1982). Rural and suburban counties and small cities have suddenly developed the problem of jail overcrowding, which has plagued urban and Southern jails for the past decade. Many of the affected jurisdictions have not yet reacted with either of the usual two responses, which are: construct additional facilities or create new alternatives to incarceration.

Although the last national jail census was done in 1978 organizations dealing with the jail overcrowding problem report that it is more widespread today. Federal court orders are pressuring to reduce overcrowding. One source estimates 10 percent of the Nation's jails are under court orders while another source estimates that 1,300 local governments are operating under court orders or are likely to be soon. The best indicators of jail overcrowding is the geographic spread of prisoner lawsuits.

The most frequent explanation for the jail overcrowding problem is the increase in crime and arrests. In recent years, crime has increased faster in suburban and in rural areas than in the cities. The increase in arrests caught many jurisdictions without formal pretrial release programs for the accused and without alternatives to incarceration for the convicted. Another explanation or blame for jail overcrowding is placed on judges who have followed the trend to stiffer prison sentences. The publicized problems of state prisons, changes in state criminal codes, the drop in probation supervision use, and more restrictive bail policies has also contributed to the increase in jail overcrowding.

Lawsuits are sometimes welcomed because they are seen as one of the best ways to obtain funds for the improvement of jail, detention, or prison facilities. Suits are seen to stimulate jail reform; generally at least 46 states have some form of jail standards, but fewer than half of the states have created any effective enforcement mechanism.

What is needed is better planning and coordination to make better use of existing jail facilities. New cell construction is very expensive. Bond elections for new detention facilities require voter approval and passage is not always assured. Some suggest that collective decisionmaking bodies are necessary to help solve the overcrowding problems. Whenever people realize that jail overcrowding is everybody's problem, then some correction may be possible.

In four short, brief companion articles onsite reports detail conditions in New Jersey, Colorado, Texas, and New York.

CANADIAN JOURNAL OF CRIMINOLOGY AND CORRECTIONS

Reviewed by VERNON FOX

"The Native Offender in Saskatchewan: Some Implications for Crime Prevention Programming," by John H. Hylton (April 1982). There was significant overrepresentation of Natives (Indians) in correctional centers in Saskatchewan in 1976-1977. Most of the involvement was for minor infractions that seemed more indicative of "social" than of "criminal" problems. The problems of Natives appear to be symptomatic of underlying social and economic inequities. They experience poorer housing, poorer health conditions, and poorer education and employment. Traditionally conceived crime prevention programs do not address the problems of the Natives. Poor social conditions, disrupted family life, heavy alcohol use, and heavy unemployment have been considered to be beyond the mandate of the Ministry of the Solicitor General in the crime prevention programs. Primary crime prevention identifies social and physical environment, including family, education, and environment. Secondary crime prevention focuses on special programs to prevent specific crime. Tertiary crime prevention refers to rehabilitation in the criminal justice system. Traditional crime prevention emphasizes the secondary and tertiary approaches that do little for the Natives. To be effective with the Natives, primary crime prevention must be emphasized to include the massive social and economic inequities that face Canada's Native peoples.

"Correctional Institution Impact and Host Community Resistance," by H. A. Tully, J. P. Winter, J. E. Wilson, and T. J. Scanlon (April 1982). Despite the long history of correctional institutions and related research, few published reports have addressed the question of the impact of correctional facilities on nearby communities. The Correctional Association of Canada's (CSC) attempt to locate a reception center at Uxbridge, Ontario, in 1976 encountered such strong opposition that it had to be abandoned. Other projects have encountered similar opposition. This paper was designed (1) to report on the form and substance of a community's resistance to a proposed maximum security facility at Uxbridge and (2) to provide some initial data regarding the social, psychological, and economic impact of a correctional facility on its host and surrounding communities, particularly the Warkworth Institution. The major concerns expressed by citizens regarding Uxbridge were in regard to personal and public security, economic impact of and unemployment opportunities provided by the correctional industry, source credibility, policy credibility, and fear. Most of the inmates at Warkworth were nonviolent, did not escape, and did not present clear danger to the neighborhood. Consequently, the same objections did not appear as had been at Uxbridge. Local hiring rose, local real estate agents indicated that land values had risen, and that there was no "fear of fear." Public complaints regarding the credibility of information sources and policy indicate public relations problems in which the CSC was not able to market itself. Future forays into prospective communities may achieve enhanced credibility through the use of expert witnesses using two-sided presentations, rather than public relations experts.

"De la délinquance juvénile à la vraie criminalité: le délinquant persistent grave (DPG)," by Pierre-Marie Lagier (April 1982). Although research has established that the differences between delinquents and nondelinquents represent differences in degree of deviant behavior, rather than essentially qualitative differences, controversy regarding the parameters of these differences continues. This study was done to seek definitions of these parameters by (1) behavior by self-reported delinquency and (2) the structure of personality as it relates to delinquent behavior known to the juvenile court. From a sample of 390 adolescent boys in a school in Montreal, 30 were selected who had been delinquent in order to study the frequency, volume, development, and gravity of their acts and behavior. Forty-five measures that included various tests, self-reports, and case studies indicated that there were significant personality differences not only between delinquents and nondelinquents, but also between two groups of delinquents, the 15-year-olds and the 17-year-olds, with the latter showing more maturity and more grave delinquent acts. Using the psychogenic theories of Piaget in his studies of infancy and childhood in relation with adults, it becomes apparent that the delinquent may be considered as the prototype of the "true" criminal.

"Class, Schooling and Delinquency: A Further Examination," by Timothy F. Hartnagel and Julian Tanner (April 1982). Continuing debate about the role of the high school in delinquency has apparently been relegated to two opposing interpretations, (1) high school is more important than social class and (2) high school is an intervening variable between social class and delinquency. These are referred to as school status and social background theories of delinquency. The sample for this study consisted of 733 students from three "inner city" schools and two suburban schools in predominantly middle-class areas in Edmonton. A series of self-report items about theft, violence, vandalism, drinking, and rebellious behavior were given to the group. Social class background, orientation toward school, sex, and year in school were recorded. The findings offer more support for the school status theory of delinquency than for the class background model.

"A Comparison of Sentencing Strategies for Violent Crime in Columbus, Ohio, and Edmonton, Alberta," by Jim Hackler and Laurel Gauld (April 1982). This study (1) reviewed the arguments for severe sentencing, (2) examined the Dangerous Offender Project in Columbus, Ohio, which tested the effects of a variety of sentencing alternatives, (3) without replicating the Ohio study, the logic of it was applied to Edmonton and the Canadian scene, and (4) an attempt was made to generalise this thinking to homicide cases in Canada. The conclusions were that (1) harsh sentencing may well lead to offender hostility and personal despair to the extent that he would be indifferent to consequences and crimes would continue to be committed upon release and (2) increased sentencing would have to be extensive and costly and would still make only a modest reduction in violent crime.

"La criminalité d'affaires au Quêbec: Bilan d'une recherche exploratoire," by José M. Rico (April 1982). This study is about "shrewd" economic crime or "white collar crime" in Quebec. Using 50 police files involving 68 court cases in 12 years (1967-1979), the focus was to determine the types of economic crime, the circumstances, offenders, victims, amounts involved, and methods used to complete the crime. There were two main types of economic crime, (1) crimes committed by persons on an individual and occasional basis without recourse to a corporate front and (2) crimes committed by professionals or administrators on an organized basis and using a corporate front. White collar crime is not in plain view of the public and there is no "fear" involved, so it does receive less official attention than the more visible street crimes.

"Correctional Effectiveness: An Elusive Concept," by Hugh J. Haley (April 1982). Escalating government expenses have focused attention to the effectiveness of correctional programs. In federal corrections in Canada, alone, costs of correctional programs increased from 52 million dollars in 1966 to 389 million dollars in 1977. Provincial and federal institutions had average daily counts of 10,000 and 9,000, respectively, in 1977, when probation officers supervised 52,000 persons 2,939 were on parole, and 2,804 were on mandatory supervision. At any one time, there were approximately 76,000 persons under some kind of correctional supervision in Canada in 1977. Lower recidivism rates have been associated with (1) making probation conditions relevant for the probationer, (2) exhibiting approval and disapproval for prosocial and antisocial expressions by offenders, (3) assisting the offender to participate in noncriminal community activities, such as securing employment and home placement, (4) referral to existing community resources, and (5) minimal use of counseling techniques that emphasise relations between the offender and the counselor in favor of emphasizing pro-social behavior and attitudes. Expenditures of funds for rehabilitative programs appears to be the best goal for corrections.

Your Bookshelf on Review

EDITED BY BENJAMIN FRANK, PH.D

Dick McGee Sums Up His Experience and Philosophy

Prisons and Politics. By Richard A. McGee. Lexington, Mass.: D.C. Heath and Company, 1981. Pp. 162.

None is better qualified to write about correctional administration than is Richard McGee, and this book testifies to his continued concern for the advancement of the profession to which he has devoted his life.

Prisons and Politics is mainly the story of its author's many years of experiences and activities as director of the penal institutions of the State of California. It is a remarkable story, well told, illustrating the problems facing a correctional administrator, the difficulties in finding solutions, and the rational way of dealing with them, considering "the relationship between state correctional agencies and the surrounding and controlling political forces." The result is a book that, as a manual, should be required reading for state correctional administrators, in particular, and for anyone concerned with the management of penal institutions. But, it is more than such a manual; it presents in quite explicit terms the penal philosophy of its author.

In an introductory chapter the author notes that while public opinion today calls for harsher penalties and more and longer prison sentences, it also wants "lower taxes, fewer police, and less money for prisons and jails." Such policies have led to an undesirable overcrowding of prisons, but the formidable rise in the cost of prison construction has caused public authorities to shun the building of more institutions. Prison administrators are not only unable to provide constructive occupations for their wards but are facing unfamiliar problems created by the unionization of employees and, in states with large minority populations, have to cope with disturbances arising from racial and ethnic discrimination and conflicts.

Succeeding chapters focus on the role of a governor of a state in providing initiative and support for a correctional system free of partisan politics; on the state legislature, dealing with its committees and lobbyists, and the rules to be observed by a public servant to maintain a reputation for integrity; on relations with the mass media; on dealing with courts, the civil service and a variety of community groups and organisations; on institutional management; on prison labor or, rather, idleness; on overcrowding of prisons and what to do about it; on the effect of sentencing policies on prison administrations; on the crucial need for objective research on penal problems; and a final chapter on future objectives.

Richard McGee's exceptionally rich and detailed knowledge of penal institutions, their clientele, and the role assigned them in the promotion of public safety has led him to formulate some specific proposals for the reform of the penal system. Noting the rise of serious criminality in recent decades and the fear it has engendered in the population, he sees the growing recourse to more and longer sentences to imprisonment, mandatory punishments, limitations on the use of probation and parole, etc., but he finds that these policies have had no noticeable effect on the rates of crime or recidivism. He views deterrence as resting more in the fear of arrest than in the fear of sanctions and refers to the baffling fact that "prisoners who know more about criminal sanctions than our more virtuous citizens are the very one most prone to commit crimes. Other forces are obviously more potent than the fear of punishment."

McGee thinks that when prison sentences cannot be avoided they should have a single terminal date. Release of a prisoner before that date could be earned by his good conduct as judged by the prison administration. If the sentence is shorter than 5 years no parole authority should have power to modify it. In exceptional cases, the prison administration might return the prisoner to court with a recommendation for earlier release. When a sentence is longer than 5 years, an administrative body in the correctional system should review it before its minimum length (i.e., sentence, less good time earned) is reached, determine a release date, if any, and refer the case to a court for action, if release is recommended. Every prisoner released should be placed under supervision for 1 to 3 years and during this period he could be returned to prison only for behavior "either criminal or bordering on it."

In his thoughtful foreword to the book, John Conrad writes that Richard McGee "made California corrections a byword for decency and order, a model for emulation throughout the world, and a laboratory for change in prison and parole administration. His great achievements are receding into a past that is legendary to some, misunderstood by others, and hardly known at all to a new generation in criminal justice." This book is a vivid record of those achievements.

Gilmanton, N.H. THORSTEN SELLIN

Heroin Control: A Nothing Works Philosophy

Heroin and Politicians: The Failure of Public Policy to Control Addiction in America. By David J. Bellis. Westport, Connecticut: Greenwood Press. Pp. 239. $27.50.

According to David J. Bellis, social programs for the public good such as those concerned with welfare, housing, food, health, model cities, manpower, prisoner rehabilitation, delinquency prevention and the War on Poverty have failed. In Bellis' view, there has been a similar failure to control addiction and he sets out, in a heavily documented fashion, to prove this point. The book is not, therefore, an analysis of what might work on what could be altered in order to improve either drug law enforcement or treatment programs. Rather it seems to be a lengthy argument protesting any interference in either the distribution or use of heroin. One detects a sense early on that the author would have preferred that heroin not have been made an illegal substance but that once done, many more problems were created than were solved. There seems to be an underlying assumption that people, historically, are drug-oriented and, therefore, have a right to their choice of euphoria and, perhaps, self-destruction.

The text is divided into two parts. Part I primarily describes the governmental attempts to control heroin following its criminalization. In keeping with the obvious spirit of the book, however, all government intervention is presented with a negative attitude and sometimes strained logic. Thus, for example, Bellis relates that when police concentrated on heroin suppliers in Washington, D.C., amphetamine abuse rose, implying that the police were somehow responsible for the increased stimulent ingestion. Similarly, in discussing former President Nixon's policy to control heroin, Bellis describes the rise in crime, the spread of heroin outside the metropolitan areas and the incidence of heroin addiction in soldiers returning from Vietnam. Bellis' conclusion relative to the government's response to these problems was that not for these reasons but for the capture of votes from fearful middle class parents that the President launched a war on drugs. Part I is completed with a brief historical description of the development of methadone as a solution to heroin addiction and the selling of the synthetic drug to the public for acceptance. In the author's opinion, methadone differs from heroin primarily in the legal nature of the former and the illegal status of the latter.

Part II of the book is a detailed criticism of selected forms of treatment. The author does not choose to present evidence which suggests that any treatment modality helps addicts in overcoming addiction. Only at one point does he concede that there is a relationship between residential treatment and successful patient outcome but quickly adds that the study which revealed this information was flawed. The author does not discuss professional outpatient treatment. Also noticeably absent, given Bellis' apparent dissatisfaction with the criminalization of heroin, is any mention of the heroin maintenance program in England.

In the final assault on heroin control policies in the book, the author asserts that not only have control and treatment been a failure but that anyone who is employed in law enforcement or in clinical fields has a vested interest in maintaining failure in order to continue to hold their jobs. "If crime and addiction were somehow to disappear tomorrow," says Bellis, for example, "Many police officers and their ancillary personnel would be out of jobs." The insulting implications of this statement border on the inflammatory. We can only respond that should such an ideal circumstance arise that permitted us to be crime and addiction-free, we could probably find, if we gave it some thought, some other unresolved social problems to resolve with similar success and still maintain employment.

Both the strength and weakness of David Bellis' book lie in its critical nature. Criticism, especially when offered constructively with alternate solutions are essential to the healthy development of public policy. However, criticism which does not truly analyze, nor weigh good and bad, does not seem helpful and at length becomes ineffective in obtaining support.

Brooklyn, N.Y. PHILIP J. BIGGER

A Closeup View of a Maximum Security Prison

Concrete Mama: Prison Profiles from Walla Walla. Photographs by Ethan Holfman; text by John McCoy. Columbia: University of Missouri Press, 1981. Pp. 196. $24.95.

Just when it seems that it's all been told, that nothing about prisons can really shock us again, *Concrete Mama* does.

It wasn't written to shock. There is no effort to sensationalize prisons. It is a straightforward report by two free men—a writer and a photographer—who for 4 months during 1978-79 were inside the Washington State Penitentiary. By special permission of the warden they were free to roam the entire maximum security compound, interviewing and photographing prisoners and staff.

With intimate detail and striking photographs, this book tells the stories of 12 people: 10 prisoners, a visitor, and a guard. Bobby, the biker; Jackie, the popular prison "queen"; Wino, the snitch; and officer Edwards, the guard, are interviewed and photographed. Despite the low-key writing style of the author, this book is shocking. The people in the 12 vignettes come through to the reader with the impact of a CBS "Sixty Minutes" documentary. Moreover, in the midst of reading the stories of the 10 prisoners, the reader becomes aware of the likelihood that there are 1440 other equally wrenching stories inside Walla Walla.

McCoy and Hoffman help us see that in prison the shocking has become commonplace. That is most shocking of all. Walla Walla is unveiled as a place where survival demands savagery. As one prisoner put it "... I wake up every morning wondering if today I'm going to kill—or die." Yet, it is also a place where, as Tom Wicker writes in the Foreword, the prisoners "... make upon us the most human of claims—that there, save for the grace of an unfathomable God go any of us."

The book offers no formula for reform of Walla Walla or any other prison. It describes the malady, but suggests little as to its cause or its cure. But the underlying assumptions of both the liberal prisoner reformer and the lock-em-up conservative are shaken. The reader is pushed back to more basic questions: What is it in the human condition that spawns violent behavior in persons, and simultaneously generates violent, counterproductive responses from society like a Walla Walla prison? Is prison itself not the primary cause of crime? Isn't there a better way?

A distinguishing feature of the book is the careful look it takes at the oft-forgotten others: guards and visitors. *Concrete Mama* describes how they, as well, are caught in the prison's web of violence and distrust. Officer Edwards says: "... you can't put your faith in convicts. If one of those convicts comes up in your defense, that man is putting his life on the line because he's living with his own kind." Yvonne, wife of a prisoner named Dean, is a frequent visitor to the prison. She describes the tedious visiting security procedure, replete with body searches. Yet Yvonne admits to smuggling in marijuana for Dean.

In their epilogue the authors reflect briefly on the several correctional philosophies which have held sway at Walla Walla. It is unfortunate that in this brief review of options, no mention is made of alternatives to prison. Since the book clearly avoids being prescriptive, it would have been preferable to be totally silent on the options, than to define the options in such narrow terms.

It is worth the reading. The raw reality of prison life is vividly communicated. It doesn't tell us what to do, but it makes it immoral to do nothing.

Charlottesville, Va. FAHY G. MULLANEY

Criminology Visits the Elderly

Crime and Gerontology. By Alan Malinchak. Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1980, Pp. 201.

By virtue of its subject matter alone, *Crime and Gerontology* contributes to the field of criminal justice. The categories discussed are evidenced in the chapter outline: The Aged as Victims; The Aged and Crime Prevention; The Aged as Volunteers; The Elderly as Criminals. Throughout the volume special attention is given to issues and concerns peculiar to the aged 11 percent of the population.

On the plus side, the book provides both a logical conceptual organization of the subject matter and a straightforward presentation of the facts. Use of ample, firsthand material adds a realistic and dramatic touch to the basic facts of victimization. The flavor is enhanced by the presentation of quotes and interviews with individuals who have "been there."

The flaws in this work are glaring and detract from the overall message of the text. There are numerous grammatical errors. The too-heavy use of questions is irritating to the reader. For instance, in one paragraph we read, "Can there be too much crime prevention? Well, can there be too much crime?" (p. 71) Such questions detract from rather than enhance the flow of meaning. The choppy sentence structure likewise does not help. There is excessive reliance on a single source, Goldsmith and Goldsmith. But the worst thing about the writing style is the constant patronizing, almost catty tone. The assumption seems to be that the reader is either a police officer or very young.

The positive contribution of the book is in terms of the presentation of an empirically based and well researched study on the vulnerability and victimization of the aged in our society. Poignant illustrations are provided of persons cowering in their homes, "imprisoned by fear." The use of personal, case histories and quotes from experts enhances the discussion on the effects of crime and the importance of crime prevention. A serious omission is a cultural perspective for viewing the aged as a minority group in a modern, urbanized, youth centered society. We cannot deal with the old as victims of crime apart from the old as victims of society.

In short, although *Crime and Gerontology* is a worthwhile addition to the literature by virtue of the subject matter explored and valuable information provided, some improvements could be made in terms of writing style and theoretical perspectives.

Kent State University KATHERINE VAN WORMER

A Psychological Perspective to Criminal Justice

The Criminal Justice System: A Social Psychological Analysis. By Vladimir J. Konecne and Ebbe B. Ebbesen. San Francisco: W. H. Freeman and Company, 1982. Pp. 406.

The authors attempt to give a social psychological account of the criminal justice system as evidence of a new discipline called "legal psychology." Although they criticize past attempts to invade "legal psychology" by others, they themselves, in my opinion, fail to give us anything substantially new in the way of "legal psychology."

This doesn't mean that they give us nothing new, for they do, in the sense that their data and research are new; they introduce a vast collection of literature from psychology. The authors are to be commended for their research which compares different methodologies, e.g., interviews, experimental research, mock or simulated casework, and data obtained from real, live, active or past case records. They are to be commended for their advanced statistical techniques, e.g., discriminant analysis, loglinear methods, etc. The authors conclude that methods which emphasize real life experience, e.g., past or present records, are superior in results to other methods, e.g., interviews, mock experiments, etc. They claim that criminal justice personnel might rationalize their conception of reality in interviews, or be unaware of their own decisions; mock experiments might not capture reality. This however, is not a new finding.

The authors are to be commended for attempting to select articles representing various parts of the criminal justice system, e.g., police, arrest process, victimology, pretrial status, prosecutorial charging, jury-selection, and decisions, sentencing, and parole. Many of the selections were written by them, but many were written by social psychologists.

The authors act as if they have discovered something new. It seems to me that they are unaware of prior sociological research in criminal justice. For example, based on their research in San Diego which concluded that judges sentence mainly on the basis of three variables—pretrial status, prior record, and probation officers' recommendations—and based on the fact that cases are processed in minutes, they conclude that defendants are processed in a mechanical routine way and are not given individual attention or justice. Their conclusions can be criticized.

First, the amount of time spent on each case doesn't reflect the attention given to each one. There are many processes involved in sentencing, including arrest, prosecutorial bargaining, pretrial status, etc. These are complicated processes that lead to sentencing. Second, many criminal justice actors process the defendant before sentencing, e.g., drug agents, probation officers, etc. Some of them might go to great lengths to process a defendant by referring them to a drug program, employment or psychiatry. This includes judges. Viewed in this way, sentencing can be highly complex, and defendants can receive a lot of individual attention. Third, they base their conclusions on one study, namely, research in San Diego. Fourth, they don't mention labeling theory, which might contribute negatively to defendants' reactions and complicate the sentencing process. Fifth, they are not saying anything essentially new. Herbert Packer sums up the argument by introducing a "crime control model," and a "due process model," in which, in the former, cases are processed in an assembly-line manner and, in the latter, defendants receive a lot of individual attention. Criminal justice systems, says Packer, incorporate models. The authors do not even mention Packer.

The authors conclude that judges and other criminal justice personnel are ignorant of human behavior, are unscientific, are reluctant to open their files to researchers, are adherents of the status quo, and are afraid to change. Nowhere do they define "scientific" except to say that it involves collecting "statistics." Do they believe that statistics constitute science? If they believe that criminal justice actors and bureaucracies are reluctant to change, how do they propose to change the system? Do they suggest a Marxian perspective? There is a vast literature of sociological change which I don't believe they are aware of.

However, the authors again are to be commended for introducing a psychological approach to criminal justice. I believe any attempt to integrate two or more disciplines is very difficult, but I believe they should be commended for their attempt. I think future research should follow in their footsteps to expand on an interdisciplinary approach to criminal justice.

Brooklyn, N.Y. JAMES R. DAVIS

The Search for a Universal Criminology

***Crime and Modernization: The Impact of Industrialization and Urbanization on Crime.* By Louise I. Shelley. Carbondale, Illinois: Southern Illinois University Press, 1981. Pp. 186. $22.50.**

Professor Shelley is one of a small number of scholars in the field of comparative criminology (she is an authority on crime in the Soviet Union and its satellite nations in Europe). *Crime and Modernization* goes beyond many prior works in this area (such as *Crime in Developing Countries, Deviance in Soviet Society, Cities With Little Crime*, etc.) in that the author does not focus on crime in one particular country (e.g., the three books listed above focus on Uganda, Soviet Union, and Switzerland, respectively). This work attempts to examine the prior literature in comparative criminology to draw conclusions about the relationship between modernization/industrialization and crime from a longitudinal perspective. Thus it is perhaps the only general work that attempts to describe and explain crime patterns in several countries over time and is certainly the closest we have come yet to a true text for comparative criminology.

In her words the book is an "examination of the effect of modernization on crime in developing, developed capitalist, and socialist countries" in an "attempt to synthesize a broad body of information and to extract from it some tentative conclusions on the impact of diverse social and economic forces on crime and the criminal offender." The book focuses on all regions of the world and includes societies with different forms and levels of economic development and from diverse cultures and political systems. The only societies excluded from the analysis are those such as China, Cuba, and several African societies for which crime data are not available. She examines both property and violent crimes and examines differences in patterns for males and females, adults and juveniles. She includes primary crime statistics over time as well as secondary sources.

These different sources are used to "ascertain fundamental relationships between the process of socioeconomic development and the quantity and quality of criminality." The book was written to describe the effect of modernization on rates of crime (both property and violent) both in the initial stages of the developmental process and after transition to development has been made.

The first chapter examines a number of criminological theories that have addressed the issue of the effect of modernization on crime. No effort was made in this chapter to present evidence that will either support or refute these theories (that evidence is presented in chapters two through five). Her conclusions about the validity of each of the theories is found in the concluding chapter.

Chapter two examines crime and modernization in historical perspective in that she shows that previous historical periods also experienced serious crime problems and that the relationship between urbanization and crime was already established before the advent of modernization. This chapter delineates the crime patterns associated with the modernization process and thus provides a basis for the following chapters on crime and development in the contemporary period.

Chapters three, four, and five focus on the relationship between modernization and crime in three different types of countries—developing, developed, and Socialist countries (she recognizes there is some overlap in the three types). Chapter three focuses on crime in developing countries. She concludes that the presently observed increase in criminality appears to be the same as that of a century ago: the transformation brought by economic development. This development has led to rapid urbanization, slums, youth identity problems, etc. Chapter four focuses on crime in developed countries and concludes that the crime patterns found for these countries continue the pattern that emerged during the first phases of 19th-century modernization—a predominance of property over violent crime and relative increases in female and juvenile crime.

The fifth chapter focuses on the criminality of socialist countries, primarily the Soviet Union and Eastern Europe socialist nations. She concludes that socialism, contrary to ideological expectations, has not brought a decrease in criminality in spite of the economic and population controls exercised by these countries. "Instead, development in socialist countries, like that in capitalist societies, has led to increased rates of property crime, a reduction of violent crimes relative to those committed against property, and an increase in criminality among juveniles and females." Furthermore, her analysis reveals that the "general forces of socioeconomic development have a more significant effect on observed patterns of criminality than the form of economic development followed" (i.e., whether capitalist or socialist). Thus though the forms of criminality and the geographical distribution of crime have been affected by socialist definitions of crime and population controls, socialist nations have not prevented the rise in criminality that accompanies the developmental process. Finally she says that the "fundamental differences between crime patterns in capitalist and socialist societies are explained by the strong controls exercised over the population of socialist countries, an effect attributable more to the political system than to the form of economic development chosen by these societies."

The sixth and final chapter presents conclusions about modernization and crime. She asserts that the preceding chapters provide strong evidence for a "theory of modernization as an important explanation of the etiology and proliferation of criminality in contemporary society." This theory alone analyzes crime in terms of urbanization, industrialization, the breakdown of the traditional way of life and the nuclear family, and the growth of literacy and prosperity. Other explanations have been tied too closely to a particular country or brief historical period and thus are incapable of explaining the proliferation of crime internationally and the repetition internationally of the crime patterns associated with industrialization. However, she does note that her theory has less explanatory power for these societies that have already achieved a high degree of development because it is more a descriptive rather than a predictive theory.

The book is well documented and represents a major contribution to the field of comparative criminology. However, those who wish to understand the impact of industrialization on urban crime in the United States from a historical perspective should also read *Violent Death in the City* (1979) by noted historian, Roger Lane. Shelley does not cite this work.

Florida International University WILLIAM WILBANKS

What Do We Know About Alcohol and Crime?

Drinking and Crime: Perspectives on the Relationships Between Alcohol Consumption and Criminal Behavior. James J. Collins, Jr. (ed.). New York: Guilford Press, 1981. Pp. 316. $22.

This collection of eight original essays on the relationship between alcohol and criminal behavior represents the most complete literature review and critique of the literature in this subject area. It is surprising that so little literature exists in this area given the common presence of alcohol in both violent and property crimes. These essays review all of the "facts" that are currently known and attempt to place these facts in a theoretical framework. Attention is also given in several essays to the flaws of prior research in this area and suggestions for future research are provided.

Overall one cannot be impressed by what we do *not* know about the relationship between alcohol and crime. Several of the authors comment on the ambiguous language often employed by those who have written about this relationship. It is often stated in the literature that alcohol "contributes" to crime; that it is "associated with" crime; that it "figures prominently" in criminal behavior; that it "plays a role"; serves as a "catalyst"; etc. Seldom does a research claim that alcohol "causes" crime though often that impression is left with the reader. Many of the articles deal with problems involved in determining whether (or how) alcohol contributes to crime. Each of the authors is a competent methodologist and the problems involved in causal analysis are discussed extensively.

It appears that the literature has moved historically from a confident assertion that alcohol "causes" aggression via disinhibition to a point where several of the authors suggest several ways in which alcohol *may* contribute to crime. The historical tendency to ascribe a pejorative influence to alcohol whenever it is present in undesirable events (the "malevolence assumption") is criticized by several of the authors. Instead they suggest a number of ways that alcohol may be related to crime other than through disinhibition (which appears to be a discredited view). As stated by Collins in a summary chapter the association of alcohol and violence may be explained by a *common-cause relationship* (that both alcohol and violence may be caused by the same factor or factors—e.g., hypermasculinity may explain both heavy drinking and criminal behavior); or by *interactive, conditional or conjunctive* explanatory models (i.e., violence results in some situations, circumstances, or conditions). Another explanatory model is the *spuriousness* model (i.e., alcohol and violence are only associated in a statistical, rather than a causal, sense). The latter model would include the view that alcohol consumers/criminals engage in "deviance disavowal" in that the drinking behavior is used as a "time-out" from responsibility for behavior and thus the view of irresponsibility serves as a self-fulfilling prophecy for those who believe they cannot control themselves when drunk. The fourth causal model discussed in the collection of papers involves the view that alcohol has a *direct* effect on human behavior in that the chemical properties of alcohol often lead to violence (e.g., the disinhibition view).

The reader who has only a passing interest in this topical area might do well to simply read the summary and concluding chapter by the editor, James Collins. This chapter succeeds in its attempt to present an overview of the material presented in more detail in the first seven chapters. However, those who would like a more complete knowledge of the literature in selected areas might want to consult the more detailed discussions in the earlier chapters. The first chapter is a lengthy review of the theoretical aspects of the relationship between alcohol and crime. Since prior work is largely devoid of theory this chapter is particularly helpful in describing the prior explanatory models (see the four models described above) and in suggesting an overall theoretical framework by which prior research can be examined.

The second chapter concerns methodological aspects of the crime/alcohol relationship. Conceptual and definitional problems are discussed along with sampling problems. Past research is seen as greatly flawed and suggestions are made as to what type of research will provide more useful information in the future. The third and fourth chapters focus on situational and cultural aspects of the drinking/crime relationship. This material includes a review of the laboratory studies which vary the setting in which drinking occurs to determine its effect on aggression as well as the studies which examine how cultural norms impinge upon the expression of violence (e.g., the comparison of two Central Mexican Indian tribes, both of which drink to extreme intoxication, though only one expresses violence when drunk—evidently due to the difference in cultural norms allowing such expression).

The highlights of the collection of essays are the chapters on alcohol careers and criminal careers (by James Collins) and the essay on alcohol and criminal behavior among blacks (by Judy Roizen). Both present excellent overviews in areas that have been largely ignored by prior research. Collins succeeds in his attempt to present the findings from the separate literatures on drinking careers and on crime careers and suggests the ways in which a knowledge of each helps us to understand the other. Collins focuses on the frequency and seriousness of drinking and criminal behavior over the age span of males and suggests that future research concentrate on the relationship between drinking and crime for young adults (rather than for juveniles) and why both drinkers and/or criminals tend to burn-out with age. He concludes that drinking is not an important influence in the etiology of a criminal career but does appear to contribute to the occurrence of particular criminal events.

Anyone interested in race and crime should read the chapter summarizing the literature in this area as it is by far the most exhaustive and analytic review that is available. Roizen suggests that there is little support for the proposition that a disproportionate amount of Black crime is a consequence of drinking though she does suggest that there is some evidence that the social setting of taverns does contribute to Black crime and she suggests more research in this area. The author adopts a common-cause explanatory model for the relationship between drinking and crime among Blacks in that she asserts that both are responses to failed lives, poverty, family disorganization and school failure.

The seventh chapter deals with the role of alcohol in wife beating and child abuse. The authors suggest that prior research has failed to specify how alcohol is related to these problems and various explanatory models are presented and illustrated. The "facts" with respect to each of these problems are presented in this overall theoretical framework.

Overall one must be impressed by the depth of scholarship found in this collection of essays. The extensive bibliography and summary of prior literature will be helpful to all who are interested in the topical areas that impinge upon the crime/drinking relationship (alcoholism, career research, race and crime, etc.) However, the most valuable contribution that the articles make lies in their excellent incorporation of the available data into explanatory models that can be further tested (by those who pay heed to the methodological flaws of prior research).

Florida International University WILLIAM WILBANKS

The Pros and Cons of Gun Control

The Right to Keep and Bear Arms: Report of the Subcommittee on the Constitution of the Committee on the Judiciary, United States Senate. **Washington,** D.C.: U.S. Government Printing Office, 1982. Pp. **175. $5.**

This volume represents an attempt by the Judiciary Committee of the United States Senate, chaired by Senator Orrin Hatch, to present the best available research on the historical context and meaning of the second amendment (the right to keep and bear arms). The first section of the booklet consists of the history of the second amendment as researched by the staff of the subcommittee on the Constitution. The presentation has a definite anti-gun control bias and concludes that the second amendment referred historically to the right of individual citizens to privately possess and carry firearms. This 13-page historical review is followed by annotations on 20th century court cases that have attempted to interpret the second amendment and a list of 12 references on this issue. This section is followed by a 5-page discussion on the enforcement of Federal firearms laws from the perspective of the second amendment. This brief summary is essentially a diatribe against the Bureau of Alcohol, Tobacco and Firearms (BATF) and its enforcement tactics—which are termed "constitutionally, legally, and practically reprehensible."

Though the first two sections (the actual report of the subcommittee) are quite biased the value of the book lies in the inclusion of "other views" of the second amendment that are provided in the remainder of the book through reprints of articles by authors from similar and different perspectives/biases. Though much of the material in the booklet is repetitive it is a valuable sourcebook for anyone who wants to examine the second amendment in its historical perspective from several viewpoints and who wishes to examine the various court cases that have struggled with interpreting this amendment.

Opposing viewpoints (to the subcommittee's interpretation) are presented in the booklet from the National Coalition to Ban Handguns, the American Bar Association, the A.C.L.U., the Association of the Bar of the City of New York, and two "pro-gun control" authors, Roy Weatherup and John Levin. Concurring viewpoints are presented by Stephen Halbrook; James Featherstone, Richard Gardiner, and Robert Dowlut of the N.R.A.; and David Hardy of the Second Amendment Foundation.

This sourcebook of viewpoints on the historical meaning of the second amendment is interesting in that it reveals how scholars with different biases can look at essentially the same data and draw totally different and opposite conclusions. The subcommittee and the concurring viewpoints expressed interpret the second amendment as having an individualist (the right to keep and bear arms belongs to individuals not the collective militia) rather than a collectivist (the right belongs not to individuals but to the militia) meaning. The dissenting viewpoints interpret history and case law as supporting a collectivist meaning. It also appears that both "sides" give little attention to the arguments made by the opposition. For example, the subcommittee's report completely ignores the points made by the dissenters in support of a collectivist interpretation. Furthermore, the subcommittee's report focuses on the vagueness of U.S. Supreme Court rulings on this issue and completely ignores the numerous appellate court rulings that have upheld Federal laws based on a collectivist view of the second amendment (pp. 37-43).

The major flaw of the subcommittee's report lies in its assumption that the historical meaning of the second amendment if interpreted individualistically is relevant today. The dissenting viewpoints included in the booklet make it clear that the second amendment was framed in a day when there was a fear of standing armies (we have such armies today) and the national defense depended upon individuals owning weapons for use in the militia. These conditions do not exist today. The assumption seems to be that if the founding fathers lived today they would write the second amendment just as they did at the end of the 18th century. Such an assumption defies history and ignores the basic function and practice of the U.S. Supreme Court in interpreting the Constitution in its historical context but taking into account the different conditions that exist today.

Florida International University WILLIAM WILBANKS

Reports Received

Community Service Orders. The Howard League for Prison, 169. Clapham Road, London, SW 9, England, 1981. Pp. 76. In this publication, Dr. Ken Pease of the Ulster Polytechnic examines the concept of community service as an alternative sentence, its introduction into the criminal justice system, and the standard of its subsequent practice. The publication concludes with an appendix on standards in community service practice and a selected bibliography.

Crime Prevention. The National Swedish Council for Crime Prevention, Research and Development Division, Stockholm, Sweden, March 1982. Report No. 9. Pp. 315. This book contains analyses and summarized accounts of ways known today for preventing particular crimes. In addition to the foreword by the editors Eckhart Kuhlhorn and Bo Svensson on "Some Theses Concerning Crime Prevention," there are 10 other chapters contributed by criminologists from Sweden, Netherlands, Western Germany, and the United States on a broad range of topics included under the general problem of crime prevention.

The Crown Court: Pattern of Sentencing Offenders Aged 14 and Over. Barry Rose (Publishers), Ltd. Little London, Chichester, Sussex, England, 1981. Pp. 220. In his quite unique publication, Ian McLean, the circuit judge for the Crown Court, has compiled extracts from the criminal statistics for England and Wales for the years 1971-1978. In his preface to this book, Judge McLean states that the tables included in this volume bear out the principle that the appropriate sentence for a particular class of offense may be found in the actual sentences imposed by the judges of the Crown Court in cases coming before them.

Early Identification of the Chronic Offender. Department of the Youth Authority, 4241 Williamsbourgh Drive, Sacramento, Calif. 15823, February 1982. Pp. 17. The study summarized in this report began in 1979 and followed the careers of Youth Authority wards over a period of 10 years covering the young adult period. The purpose was to explore the extent to which chronic adult criminal offenders could be identified early in their careers. The data suggest that some of the important indicators of later chronic and violent criminal behavior are manifest and observable at an early age.

Feasibility of an Earlier Drug Free Discharge From Outpatient Status for California's Civil Addicts. California Department of

Corrections, Research Division, Sacramento, Calif., April 1980. Pp. 25. The purpose of this study was to determine the feasibility of reducing the time necessary for civil addicts to remain drug- and crime-free before granting an early discharge from the Civil Addict Program. The results of this study suggests that legislation be initiated to reduce the time required for an early discharge to 1 year from the current 2 years.

Federal Prison System (Annual Report). U.S. Department of Justice, Federal Prison System, Washington, D.C. 20534, 1981. Pp. 16. Preceded by a brief historical background statement, this annual report contains summaries of inmate population data, new training facilities, community programs, information systems, programs, services, future plans, and a listing of all institutions and facilities comprising the Federal Prison System.

Investigation and Surveillance in Parole Supervision: An Evaluation of the High Control Project. California Department of Corrections, Research Division, Sacramento, Calif., May 1981. Pp. 283. This study reports the results of an experimental parole supervision program operated within the Parole and Community Services Division between 1977 and 1980. The "high control model" represented an exclusive control oriented supervision as opposed to a service or a mixed service and control orientation.

A Prison 1000 Years Old. The Howard League for Prison Reform, 169 Clapham Road, London, England, 1982. Pp. 44. With the political problems of Gibraltar as a background, this report describes the results of a visit to the only prison on the Island at the request of an Island resident and businessman. It describes the deplorable conditions which were well below acceptable minimum standards. A new prison is recommended because the Moorish Castle which contains the prison would be more of an asset to Gibraltar as a tourist attraction.

Suicide Prevention in Juvenile Facilities. Department of Youth Authority, 250 South El Camino Real, Tustin, Calif. 92680, 1982. Pp. 79. The purpose of this publication is to provide county facilities for youthful offenders in California with information to assess procedures already in place. Four major categories are presented: identification, procedural factors, structural factors, and personnel training.

Time Served in Prison and Parole Outcome. California Department of Corrections, Research Division, Sacramento, Calif., June 1981. Pp. 19. This is a report of an experimental study of the effect of time served in prison on parole outcome. The results confirm the conclusion drawn from an earlier partial analysis (1973) that prison terms in California may be reduced by 6 months without affecting recidivism.

Books Received

Applied Psychology for Criminal Justice Professionals: By Virginia L. Revere. Chicago: Nelson-Hall Publishers, 1982. Pp. 370. $23.95.

Community Corrections. By Stephen E. Doeren and Mary J. Hageman. Cincinnati: Anderson Publishing Co., 1982. Pp. 320. $16.95.

Community of Scapegoats: The Segregation of Sex Offenders and Informers in Prisons. By Philip Priestley. New York: Pergamon Press, 1980. Pp. 155. $22.50.

Holistic Approaches to Offender Rehabilitation. Edited by Leonard J. Hippchen, Ph.D. Springfield, Illinois: Charles C. Thomas, Publisher, 1982. Pp. 487. $29.75.

The Incidence of Female Criminality in the Contemporary World. Edited by Freda Adler. New York: New York University Press, 1981. Pp. 275. $32.50.

Indians and Criminal Justice. Edited by Laurence French. Totowa, N.J.: Allanheld Osmun and Company, Publishers, 1982. Pp. 215. $19.95.

The Invisible Justice System: Discretion and the Law, 2nd Section. Edited by Burton Atkins and Mark Pogrebin. Cincinnati: Anderson Publishing Co., 1982. Pp. 195. $11.95 (softcover).

Police Work With Juveniles and the Administration of Juvenile Justice, Sixth Edition. By John P. Kenney, Dan G. Pursuit, Donald E. Fuller, and Robert F. Barry. Springfield, Ill.: Charles C. Thomas, Publisher, 1982. Pp. 367. $14.75.

Practical Program Evaluation in Youth Treatment. Edited by A. John McSweeny, William J. Fremouw, and Robert P. Hawkins. Springfield, Ill.: Charles C. Thomas, Publisher, 1982. Pp. 345. $33.75.

Reaffirming Rehabilitation. By Francis T. Cullen and Karen E. Gilbert. Cincinnati: Anderson Publishing Company, 1982. Pp. 315 . $13.95.

It Has Come to Our Attention

On June 22 Attorney General William French Smith issued a statement, part of which follows: "By tradition, prosecutors usually do not comment on an adverse decision in a criminal case. However, after the verdict in the Hinckley trial, my responsibilities as Attorney General require me to stress today compelling issues concerning public safety. The verdict demonstrates again the need for responsible reforms in Federal criminal law to reduce crime and protect our citizens more effectively. The time has come to move forward with proposals pending in the House and Senate. One measure would reform the insanity defense. It would end what any realistic observer must conclude is the clear pattern of abuse under current law. There must be an end to the doctrine that allows so many persons to commit crimes of violence, to use confusing procedures to their own advantage, and then to have the door open for them to return to the society which they victimized."

Donal E. J. Mac Namara has been appointed Distinguished Professor of Criminal Justice at the John Jay College of Criminal Justice and at the Graduate School, City University of New York. Distinguished Professor is the highest academic rank at the City University and has been awarded to only 25 of CUNY's fifteen thousand faculty members. Professor Mac Namara is a past president of the American Society of Criminology and former editor-in-chief of *Criminology: An Interdisciplinary Journal*. His most recent books include: *Sex, Crime and the Law* (with Edward Sagarin); *Crime, Criminals and Corrections* (with Lloyd Mc Corkle), and *New Dimensions in Trans-National Criminality* (with Philip John Stead).

Three new applications software packages for case management by juvenile justice officials, civil and criminal courts, and corrections authorities were unveiled August 2 by INSLAW, Inc. The packages, known as YOUTHTRAC, DOCKETRAC, AND JAILTRAC, respectively, are the latest in INSLAW's GENTRAC family of generic case tracking systems. They are available to run on the computer hardware of Burroughs, Digital Equipment Corporation, IBM, and Wang. A conversion to Prime is planned in the future. The company simultaneously announced that it expects to have additional case management software packages ready for release by the end of August for other agencies in the public law and justice areas. INSLAW, Inc., is located at 1125 15th Street, N.W., Suite 600, Washington, D.C. 20005; (202) 828-8600.

The key factor in preventing juvenile delinquency is to get families, schools, peer groups, youth gangs, local officials and social organizations involved in providing healthier social development opportunities for young people, according to two reports published by the National Institute for Juvenile Justice and Delinquency Prevention. "It is logically impossible to attack the persisting causes of delinquency by treating individuals whose behavior is the outcome of those causes," said one of the reports, "The Prevention of Serious Delinquency: What To Do?" The report and the companion volume, "Preventing Delinquency," and a 30-minute movie, "Preventing Delinquency—The Social Development Approach," were prepared for the National Institute—which is a part of the U.S. Department of Justice in the Office of Juvenile Justice and Delinquency Prevention—by the University of Washington's Center for Law and Justice in Seattle. The reports were written by Joseph G. Weis, John Sederstrom, and J. David Hawkins. Individual copies of both reports may be obtained from the Juvenile Justice Clearinghouse, National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850; (301) 251-3300 or (800) 638-8736. The 16 mm. film is available from the National Criminal Justice Reference Service Audio-Visual program, for a rental fee of $25.

Attorney General William French Smith has named **Walter R. Burkhart** acting director of the National Institute of Justice, a criminal justice research arm of the Department of Justice. Burkhart succeeded **James L. Underwood**, who resigned in June to return to the University of South Carolina to teach law. Burkhart assumed his new duties immediately. He joined the Institute in 1970 as a social scientist. His most recent position was director of the Office of Research Programs.

California Director of Corrections Ruth Rushen has recommended to Governor Brown the appointment of **Midge Carroll**, a veteran State correctional administrator, as California's first woman superintendent of a State prison for men. Carroll, 45, associate superintendent of the Sierra Conservation Center, Jamestown, since 1976, was named acting superintendent of the California Institution for Men, Chino, on April 28. She will fill the job in an acting capacity pending the formal governor's appointment.

The number of state and Federal prisoners rose by 15,345 during the first quarter of 1982 to reach a record 384,316, the Bureau of Justice Statistics announced July 13. The Bureau, a Department of Justice agency, said there was a 13.7 percent increase in prisoners during the 12-month priod ending March 31, 1982. During 1981, the annual rate was 12.1 percent. The first quarter increase for states (15,049 or 4.4 percent) represents an increase at an annual rate of more than 18 percent, the Bureau said. The number of women in prison grew at almost twice the rate of men during the first quarter, but women comprised only 4 percent of the total prison population. The number of Federal prisoners last February 28 (the latest available figures) was 28,429. The number of prisoners rose in all states except Minnesota and Illinois. Alaska, Georgia, Mississippi, Nevada, New Hampshire, West Virginia, and Wyoming posted increases of 8 percent or more in the last quarter and a 20 percent increase in the preceding 12 months. The four states with the largest prison populations—Texas (33,297), California (30,402), New York (26,372), and Florida (24,578)—held 30 percent of the national total. On July 18 the Bureau announced that the Nation's death row population grew by 150 last year to reach a record 838 prisoners. The number of men and women under death sentences was higher at the end of 1981 than at any time since the national count began in 1953.

Wives of recovering alcoholics face an adjustment period that's nearly as stressful as their husbands', but they're the "forgotten patients" in rehabilitation programs, a University of Southern California study finds. Dr. Charles Underwood interviewed 58 wives of recovering alcoholics for his USC doctoral dissertation and found that their problems were far from over when their husbands stopped drinking. "The wives continued to experience a high level of anxiety," Underwood reports. "Only the focus of their concerns was changed." Yet the wives said few of their concerns were recognized or addressed by counselors and other professionals working in alcoholism rehabilitation programs. Such programs, they said, focus almost exclusively on the alcoholic. More than half of the wives interviewed for Underwood's dissertation, titled "Wives of Recovering Alcoholics: Their Personal Concerns During Their Husbands' First 18 Months of Sobriety," had been married for 16 years or more, and most of them had children still at home.

The American Correctional Association has increased the number of its state chapters and professional affiliates by 60 percent in less than 4 years. "The growth in the past 4 years has been remarkable," notes President-Elect and Membership Committee Chairman Gus Moeller. "Less than 4 years ago, the ACA had 39 professional affiliates and chapters," Mr. Moeller said. "At that time we had 20 professional affiliates, 5 regional affiliates and 14 state chapters. Today that number stands at 30 professional affiliates, 5 regional affiliates and 27 state chapters." The Dual Membership Plan (DMP) has spurred the growth of state chapters in particular. Executive Director Anthony P. Travisono points out that "10 of the 13 new state chapters entered ACA chapter status under the DMP, indicating that the services provided to the state organizations are both attractive and proving worthwhile." In addition, the 15 state chapters now participating in the DMP have all realized a growth in their respective memberships. These chapters now constitute 53 percent of ACA's total membership. For more information on ACA affiliate or chapter designations, contact Kathi Burcham, ACA Chapter/Affiliate Coordinator, (301) 699-7620.

The first results of the indepth, thematic study of recent Federal court history are now available in oral history memoirs commissioned by the Historical Society of the United States District Court for the Northern District of California. The memoirs were recorded with George B. Harris and Albert C. Wollenberg, Sr., past judges for the Northern District Court, and Herman Phleger, prominent San Francisco attorney, by the Regional Oral History Office of The Bancroft Library, University of California at Berkeley. Bound, indexed copies of these manuscripts are available at cost to libraries for deposit in noncirculating collections for research. For further information, contact the Regional Oral History Office, 486 Library, University of California, Berkeley, 94720. Telephone (415) 642-7395.

Thousands of mentally and physically handicapped inmates populate the Nation's prisons, but relatively few resources and programs exist to meet their needs, according to a selected bibliography—*The Handicapped Offender*. Published by the National Criminal Justice Reference Service (NCJRS), the book was funded jointly by the National Institute of Justice and the National Institute of Corrections, both agencies of the U.S. Department of Justice. An introduction to the book says that although estimates of the number of mentally retarded adult offenders vary, there are proportionately more mentally retarded persons in prisons and jails than in the general population. A limited number of free copies of the book—*The Handicapped Offender*—are available from the NCJRS, Box 6000, Rockville, Maryland 20850. When the supply is exhausted copies will be available on an interlibrary loan basis from NCJRS.

The 1983 annual meeting of the Academy of Criminal Justice Sciences will be held March 22 to 26, 1983, at the Hyatt Regency Hotel, San Antonio, Texas. Theme of the meeting will be: "Translating Theory Into Practice." Persons interested in participating may contact: Larry Johnson, Mental Health Services, Texas Department of Corrections, P.O. Box 99, Huntsville, Texas 77340.

During the Western Governors' Conference in Salishan, Oregon, the governors present passed a resolution entitled, "In Support of the Assistance to State Correctional Agencies Provided by the National Institute of Corrections and the Federal Bureau of Prisons." The resolution acknowledges the valuable assistance of the two agencies and urges continued Federal support of their work.

Fordham University announces the Fordham Program in Criminal Justice, leading to an M.A. and Ph.D. in sociology, and the Fordham Program in Probation and Parole Studies. For information or applications write to: Professor Peter L. Sissons, The Fordham Programs in Criminal Justice and Probation and Parole Studies, Department of Sociology and Anthropology, Fordham University, Bronx, N.Y. 10458.

The final version of *A Validation and Comparative Evaluation of Four Predictive Devices for Classifying Federal Probation Caseloads*, by James B. Eaglin and Patricia A. Lombard, has been released by the Federal Judicial Center. At the request of the Judicial Conference Committee on the Administration of the Probation System, the Center, with the cooperation and assistance of the Probation Division of the Administrative Office of the U.S. Courts, undertook an evaluation of various predictive models used by probation officers for risk classification of their clients. The results of this research and its ensuing recommendations were transmitted in draft from the committee, which approved the recommendations and reported its action to the Judicial Conference in 1980. Before implementing the Study's major recommendation for nationwide adoption of the U.S.D.C. 75 risk prediction model, the model was field tested in five locations, then modified in accordance with field test findings, and renamed the Risk Prediction Scale 80 (RPS 80). The RPS 80 then became the primary method for classifying Federal probationers. Copies of the study are being distributed to U.S. probation officers. Other requests for the study should be directed, with a gummed, self-addressed mailing label, to the Center's Information Service, 1520 H Street, N.W., Washington, D.C. 20005.

The U.S. District Court for the District of the Canal Zone terminated its jurisdiction after over 60 years of service. The Panama Canal Treaty, which became effective on October 1, 1979, provided for a 30-month transition period, during which U.S. courts would have no jurisdiction over new private civil cases but would retain jurisdiction over civil cases already instituted as well as over certain criminal matters involving U.S. citizen employees of the Panama Canal Commission and their dependents and members of the U.S. armed forces and their dependents. At the end of the transition period all jurisdiction would cease and the former Canal Zone would be under the jurisdiction of the Panamanian courts. When the treaty entered into force, 712 civil cases and 96 criminal cases were pending. At the time of the court's closing, the docket had been completely disposed of.

On June 17, 1982, the New Jersey State Legislature and Governor Thomas Kean adopted a concurrent resolution proclaiming the month of October as "Probation-Parole Month" in recognition of probation and parole work as integral and necessary elements of the State's judicial and correctional systems.

The Bureau of Justice Statistics has published "Sourcebook of Criminal Justice Statistics, 1981," a 618-page compilation of such data as the nature and distribution of criminal offenses, characteristics of arrested persons, the court processing of defendants, and a description of correctional system inmates, the Department of Justice announced in June. The book, the eighth such statistical abstract, incorporates information from 83 separate criminal justice publications. It contains 398 tables, 91 charts, a subject index, an annotated bibliography of sources, and a list of addresses of publishers of the source materials. The report may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The price is $13 a copy, prepaid. The stock number is 027-000-01144-6. A limited number of single copies can be obtained free from the National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850.

An inmate student of the Federal Bureau of Prisons Food Service Training Center at Oxford, Wisconsin, recently won a gold medal in the National Kraft Student Culinary Challenge in Chicago. He was invited to enter his specialty, a cornucopia made of pound cake, at the 2-day competition after winning the grand prize at a culinary exhibition in Wisconsin. The Metropolitan Correctional Center at Chicago supplied the inmate's housing needs during the national competition. Out of 144 entries, the Oxford student was one of five people who won awards in both food categories entered. This was the second year Oxford has been represented at the National competition. Oxford students have won eight gold, 12 silver, and 26 bronze medals at culinary exhibitions during the past 3 years.

Dr. E. Preston Sharp, nationally known corrections leader and educator, died April 15 at Cape Coral, Fla. He was 77 and had been ill for a year. A native of western Pennsylvania with degrees from Geneva College and the University of Pittsburgh, he was named supervisor of rehabilitation at Eastern State Penitentiary in Philadelphia in 1934. He subsequently held a variety of posts in the Pennsylvania corrections system and in 1952 opened Philadelphia's Youth Study Center and became its executive director. In 1957 he was elected president of the American Correctional Association and in 1965 became ACA's executive director. He held that post until 1974, when he accepted a professorship at Virginia Commonwealth University at Richmond and was appointed a consultant to the Virginia Department of Corrections. Over the years, he served as a consultant to the United Nations, and won a variety of honors, including the Pennsylvania Prison Society Award, the August Vollmer Award of the American Society of Criminology, the Salvation Army Award, and the Navy's Distinguished Service Award.

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This Issue in Brief

Shadows of Substance: Organized Crime Reconsidered.—Authors Martens and Longfellow discuss contemporary perceptions of organized crime and how they affect public policy. Arguing that organized crime is neither parasitic nor exclusively functional to the maintenance of the social order, they suggest that organized crime must be perceived as a process. At historical times, organized crime is functional and at other times it is exploitive. The authors assert that contemporary research is empirically weak, ethnically biased, and inappropriately focused by a poor data collection methodology.

Organized Crime, RICO, and the Media: What We Think We Know.—RICO was legislated to combat Mafia-style organized crime. Authors Wynn and Anderson maintain, however, that the precise Congressional target is unclear. RICO provides a formal notion of organized crime whose key is the proof of a "pattern of racketeering activity." But this means only the commission of two predicate offenses within a 10-year period. One result is a body of cases whose only common denominator is unfettered prosecutorial discretion. In addition, Federal jurisdiction and surveillance powers are greatly increased.

Adolphe Quetelet: At the Beginning. —Professor Sawyer F. Sylvester of Bates College reveals that an empirical approach to the study of crime can be found in the history of criminology as early as 1831 in the writings of the Belgian statistician, Adolphe Quetelet. In his work, ***Research on the Propensity for Crime at Different Ages,*** Quetelet makes use of government statistics of crime to determine the influence of such things as education, climate, race, sex, and age on the incidence of criminal behavior. He not only establishes relationships between these factors and crime but, in so doing, develops a methodology for the social sciences which is still largely valid.

Behavioral Objectives in Probation and Parole: A New Approach to Staff Accountability.—Many probation and parole agencies have initiated programs of risk and needs assessments for clients in an effort to manage caseloads more effectively.

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reports Dr. Alvin Cohn of Administration of Justice Services. By taking such programming one step further, namely by developing behaviorally anchored objectives, workers can maximize available resources in directing clients toward realistic and relevant outcomes, he states. Workers can thus be held accountable in the delivery of specific services.

The Use of "Third Sector" Organizations as Vehicles for Community Service Under a Condition of Probation.—The increasing use of community service as a condition of probation has provided probation officers with improved opportunities to use such assignments as a way of teaching responsible citizenship as well as achieving community improvement. This article, by Deputy Chief Probation Officer Jack Cocks of the U.S. District Court in Los Angeles, reflects some of the recent developments in formalizing service programs in public benefit "third sector" organizations designed to carry out new strategies of networking.

Not Without the Tools: The Task of Probation in the Eighties.—Traditionally, the role of the probation officer has been viewed as dichotomous with supervision involving maintaining surveillance and helping the clientele. This dilemma is likely to remain with us in the next decade as the field of probation faces the challenge of stiffer sentencing policies. Authors Marshall and Vito outline some of the difficulties to be faced by probation officers and suggest some methods of dealing with them.

Inside Supervision: A Thematic Analysis of Interviews With Probationers.—This article by Dr. John J. Gibbs of Rutgers University contains an analysis of taperecorded and transcribed interviews with 57 probationers in two New Jersey counties. The interviews were structured to elicit the clients' perceptions of probation and to explore their concerns. Each subject was asked to describe his probation experience, and to respond to an orally administered Self-Anchoring Striving Scale, a measure of satisfaction.

Writing for the Reader.—Nancy Hoffman and Glen Plutschak of the Maryland Division of Parole and Probation discuss the pitfalls of the bureaucratic style of writing often developed by criminal justice professionals. Such writing is generally characterized by poor organization, extremely long sentences, over-used jargon and unnecessarily complex words. The results are documents which are difficult to read. The authors stress the importance of writing readable communications which are clear, concise, and to the point.

The Male Batterer: A Model Treatment Program for the Courts.—Authors Dreas, Ignatov, and Brennan examine the male batterer from the perspective of court-ordered treatment. A 30-week group treatment program is described in which various aspects of domestic violence are considered, with the ultimate goal being cessation of abusive behavior. Specific steps taken regarding program development and implementation are presented and a description of additional adjunct services is also provided.

Issues in Planning Jail Mental Health Services.—One impact of deinstitutionalization of state mental hospitals noted by many authors is an increased need for mental health services in local jails. Given current fiscal constraints and community attitudes, program development in the 3,493 jails in the United States is often very difficult. In this article, Messrs. McCarty, Steadman, and Morrissey assess the range and structure of mental health services in a national sample of 43 jails.

Victim Offender Reconciliation: An Incarceration Substitute?—Howard Zehr and Mark Umbreit describe the Victim Offender Reconciliation Program (VORP) operated by PACT in Indiana. The program allows for a face-to-face meeting between victim and offender in which facts and feelings are discussed and a restitution contract agreed upon. Trained community volunteers serve as mediators. VORP can serve as a partial or total substitute for jail or prison incarceration. Eighty-six percent of all cases represent felony offenses, with burglary and theft being the most common.

All the articles appearing in this magazine are regarded as appropriate expressions of ideas worthy of thought but their publication is not to be taken as an endorsement by the editors or the Federal probation office of the views set forth. The editors may or may not agree with the articles appearing in the magazine, but believe them in any case to be deserving of consideration.

Shadows of Substance: Organized Crime Reconsidered

BY FREDERICK T. MARTENS AND COLLEEN MILLER-LONGFELLOW*

ORGANIZED CRIME, a criminological phenomenon, remains more elusive today than when it was first introduced in the 1920's by the late criminologist Edwin Sutherland. It has been defined and refined by a number of scholars, law enforcement officials, and journalists all of whom have generally equated organized crime with Italian-Americans and more specifically, the Mafia and La Costra Nostra. This convenient method of describing organized crime has resulted in a mystique which fails to adequately address the more significant issues—those which are essentially matters of public policy. If, as history has proven, organized crime is an integral part of American society, providing disenfranchised minorities with a stake in the system, what should the public policy toward organized crime be? If organized crime represents the "queer ladder of social mobility," is not the answer to organized crime control that of ethnic/racial assimilation? And if ethnicity only represents a convenient way of explaining organized crime, but bears little resemblance to the "real" world of organized crime, what do we replace this image with which is consistent with the "real" world of organized crime?

If the last decade has taught us nothing more, we have developed a greater sensitivity towards and appreciation of the phenomenon of organized crime. Yet, we remain fixated to simplistic explanations which either describe organized crime as a "parasite which fattens on human weakness" or an institution symbiotically related to the larger society, drawing its strength and resources from a communal commitment to organized crime. Clearly, neither description is true or false; both represent diabolically opposed reflections of the researchers' reality. The ambiguity which characterizes contemporary explanations of organized crime has in many respects contributed to the confusion which has enveloped what can best be characterized as an "ill-defined" public policy.

Organized Crime: Fact or Fancy?

While the concept of organized crime emanated out of the Chicago School of Sociology in the late 1920's, it was not until the seventies that this concept has been critically evaluated and critiqued by a number of scholars (Abadinsky, 1981). Cressey, Salerno, Blakey, and Kwitny represent that school of thought which perceives organized crime as a close-knit criminal conspiracy, designed to subvert the economic and political order (Cressey, 1969; Salerno, 1969; Kwitny, 1979; Blakey, 1980). Conversely, Hawkins, Smith, and Homer basically argue that the reality of organized crime could be characterized as a social system of interlocking interpersonal relationships void of any definitive structure, central control, or definable chain of command (Hawkins, 1969; Smith, 1975). Contrary to the arguments of the so-called "traditionalists" (Cressey, Salerno, Blakey and Kwitny), Hawkins, Smith, and Homer are implicitly suggesting that the traditionalist's view of organized crime is far too static and ordered.

While we are cognizant of the arguments which transcend the entire spectrum of organized crime theory, the evidential data seemingly supports the findings of the "traditionalists" in one sense: There exists a national criminal organization which has a ritual for admittance that only a select number of persons of Italian ethnicity are permitted to partake in it (Voltz, 1960; Zeigler, 1970). As to whether this organization is as rigidly structured as Cressey, *et al.*, suggest remains open to considerable debate, as are other issues (e.g., the extent of violence, its revenue-generating capabilities, etc.) which are often propagated. The preponderance of evidence demonstrates a national organization of career criminals, commonly referred to as the "Mafia" or "La Cosa Nostra." As for the inconsistencies which occasionally surface when information is made public (via courtroom or legislative testimony), it is obvious that court testimony is not necessarily designed to elicit the *whole truth* (due to evidential considerations) and legislative commissions are often more intent on gaining public exposure by highlighting the more exotic nuances. Understandably (yet regretfully), researchers have been unable to gain access to the types of data which would permit them to gain a more comprehensive insight into the social dynamics of criminal syndicates, and, unfortunately, the pedestrian quality of the "research" available has done little to encourage confidence in the public policies that have emerged. As for implications of what is being written with respect to organized crime, it seems apparent that the research findings are as schizophrenic as is public opinion. For example, there can be little doubt but that organized crime, regardless of its "moral" and "criminal" connotations, provides a source of income for some persons who have been denied access to legitimate opportunities. And it is equally obvious that organized crime has taken advantage of the very persons that it professes to protect.

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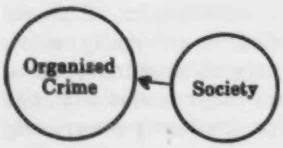
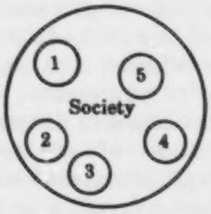
Yet, these descriptions are far too static and fail to describe organized crime as a process. Fundamental to our understanding of organized crime is the concept of process and unless we are capable of understanding organized crime as a *process*—both functional and dysfunctional—we are at a loss in explaining what it is that law enforcement or the criminal justice system is seeking to control or as some have optimistically suggested, eliminate.

For our purposes, it may be appropriate to visually depict the two dominant modes of thought which reflect contemporary explanations of organized crime.

MODEL A = PARASITIC



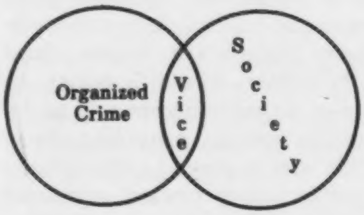
MODEL B = SYMBIOTIC



Institutions in American Society
1 = Family
2 = Religion
3 = Education
4 = Occupation
5 = Organized Crime

Model "A" essentially describes organized crime as parasitic, extracting from society and providing nothing in return. The "B" model accepts organized crime as an institution in American society, symbiotically related to the other institutions in the larger society. The public policy implications are equally as dichotomous. For model "A" suggests that arresting and incarcerating those who comprise this parasite will eliminate organized crime; whereas the "B" model implies that by expanding legitimate opportunities, people will opt to pursue careers in the licit economy. Both make conflicting presumptions about human nature, and neither completely describes the reality of organized crime.

For our purposes, we would graphically characterize organized crime in this matter:



MODEL C = Functionally-Exploitive

Essentially, model "C" (or what we shall label functionally-exploitive) describes organized crime as a process, at times functionally related to the community, and at other times, exploitive of the community. When functionally related, organized crime is investing in the community which employs its services; and when purely exploitive, the community receives no benefits in return for the monies exacted. In pragmatic terms, the "bookmaker" while deriving an income from the community, may also be reinvesting in the development of the community by renovating properties, employing youngsters in family-owned businesses, contributing to a political campaign, or simply giving birthday parties for the children of the neighborhood. This is analogous in some respect to the corporation which provides monies to civic affairs, creates foundations for scientific research, or contributes to charitable and political organizations. While the corporation may be deriving profits from the community, it is also returning a portion of the profit to the community.

However, organized crime by definition, represents the power to exploit; to take monies from the community and provide no *real* return. That is, it is important to recognize when the community no longer benefits from the residual effects of organized crime. It is under this condition that organized crime becomes an exploitive monopoly, insensitive to the economic interests of the larger community. And it is an appreciation for this condition that law enforcement must be capable of identifying if it is to develop a rational and cost-efficient approach to the control (vis-a-vis, eradication) of organized crime.

Ethnic Succession and Organized Crime

The principal theme of most organized crime research focuses on Bell's and Ianni's concept of ethnic succession in organized crime (Bell, 1953; Ianni, 1974). To Bell this was labelled "the queer ladder of social mobility," whereas Ianni sought to describe this process as "...a functional part of the American social system, (which) ... successive waves of immigrants and migrants have found (as) an available means of economic and social mobility...." The history of organized crime, at least as it has been reported in the media, appears to replicate the history of professional boxing. That is, Irish, Jews, Italians, and more recently Blacks and Hispanics have travelled through the chairs of ethnic succession in professional boxing, and "conventional wisdom" strongly indicates that a similar process has occurred in organized crime. Clearly, O'Banion, Siegel, Moran, Lansky, Costello, Luciano, and Bonanno are all indicative of an apparent succession of organized crime from one ethnic group to another. Or are they?

Fundamentally, our argument with the ethnic succession thesis is twofold. First, it is questionable whether any of these ethnic groups ever removed themselves from the "rackets" and secondly, it is now apparent that our perception of ethnicity in organized crime has been skewed by law enforcement and the media's portrayal of organized crime as an ethnic conspiracy. Let us address each point separately.

Our first concern addresses the issue of ethnic assimilation. Bell and Ianni strongly suggest that those involved in organized crime seek to gain respectability through legitimate business and in so doing, eventually forsake the "ways" of the past. Furthermore, once achieving legitimate status, there is little need to engage in syndicated crime, for the returns are greater and risks fewer in the legitmate marketplace.

While we find little quarrel with the logic of this argument, the evidence is inconclusive. We still find Irish and Jewish rackets in some of our Northeastern urban centers such as in New York, Philadelphia, Jersey City, Newark, and Boston; whereas in other regions of the country, indigenous groups characterize organized crime. It appears presumptive at this time to argue the ethnic succession thesis given the shallow and sparse research which has been conducted into illicit markets. While we agree that ethnicity plays an important role in organized crime, we are skeptical whether "succession theory" adequately explains the evolution of organized crime.

The second issue—how the perception of organized crime has been skewed by the media—may provide some insight into our skepticism. For while we do not dispute the reality of organized crime, the notion of clearly defined phases of ethnic succession is too neatly packaged, suggesting that the thesis may be made to order vis-a-vis reflecting "reality." In this respect, it is important to recognize the role of the media.

The process of marketing an image is the principal product of the media. In order to accomplish this goal, it must take what is often a complex phenomenon and translate it into simplicity. Since the police are the primary source of information about organized crime, the media (and researchers) must often rely upon the police for information. Assuming that the investigation of organized crime is often the result of happenstance (as opposed to thoughtful planning), or when intelligence systems are used, the police are sufficiently aware to know what produces headlines (and conversely, what doesn't). It is therefore fashionable to investigate Italian-American organized crime for it is certainly more appealing and has proven to be financially rewarding (e.g., movies, books, etc.). Thus it is not inconceivable and is certainly rational for the police to focus upon that type of crime which will attract media attention. Stories about the Mafia are more "newsworthy" than are stories about illicit markets. The "Mafia" provides an identification which most members of society have been sensitized to recognize and respond to. We have not found a comparable buzzword for other ethnic groups which will neatly conjure up an image of organized crime. Hence, while "researchers" are cognizant of the dangers in using the media as a primary source of data, they are also realistic enough to know that other sources of information are extremely difficult to cultivate, and the return is not immediate. Unfortunately, there are few researchers (e.g., Reuter, Rubinstein, Ianni, Chambliss, Lewis) or investigative reporters who are willing to expend the time, energy, or frustration in gathering primary information, hence they are dependent solely on law enforcement sources.

The significance of this should not be underestimated. Inasmuch as the police (much like the media) will often pursue the course of least resistance, the data it collects or the investigations pursued are likely to represent those cases which are most vulnerable to criminal prosecution. While this should not be perceived as an inherent deficiency in police investigation, it does reflect upon the type of data collected by the police. In essence, we are suggesting that the data collected is inherently biased toward that which is most accessible to the police. Assuming this to be a valid criticism of the data collection effort, the ethnic succession process is understandable, particularly as police departments undergo ethnic transitions. For as new ethnic groups are recruited into police departments, their sources of information are often analogous to the changing ethnicity in the department. Thus, we would suggest that the notion of ethnic succession in organized crime is directly related to the ethnic transition process in police departments, creating an image of organized crime which is inherently biased toward that information which is readily available or accessible to the police.

If in fact there is an ethnic succession process as Bell, Ianni, and others subscribe to, then how does one explain the findings of Haller who has meticulously weaved a pattern of Black organized crime existing in the urban centers as early as the 1920's (Haller, 1976)? Yet it was not until 1974, that a book devoted specifically to Black organized crime emerged (Ianni, 1974). Moreover, while several journalists and researchers have reconstructed Jewish organized crime, and have written about Chinese criminal organizations, the Columbian and Mexican Mafias, and Greek organized crime, (Fried 1980; Lewis, 1980) there has been no serious research effort undertaken to assess whether these so-called "ethnic-conspiracies" are merely ways of applying negative stigmas to nonconforming ethnic groups, or whether they are in fact, distinct forms of organized crime. Clearly, the sparcity of empirical research, the difficulty in obtaining primary data, and the inescapable failure of methodological rigor has seriously distorted societal perceptions of organized crime, and, perhaps more importantly, have led to some ill-conceived public policies.

Blacks and Organized Crime

Perhaps our fascination with Italian-American organized crime has in many respects jaded our perspective, inasmuch as it has created what appears to represent the only model of organized crime. That is, the structure, roles and status attributed to the "Mafia" or "La Costa Nostra" are indicative of one unique type of organized crime; it is not characteristic of all organized crime. Moreover, while the success of Italian-American organized crime is often attributed to the relatively homogeneous kinship relationships which characterize the traditional "organized crime family," we must be careful to avoid assigning a "cause and effect" relationship to this relationship. Said differently, kinship relationships are undoubtedly important to the stability of interpersonal activities in organized crime; however, the lack of such relationships or a different mode of kinship relationships will not necessarily undermine the ability of others to organize crime.

For example, Ianni in his research of Black organized crime, concluded "what could serve to strengthen the organization of Black organized crime networks, and, more important, bring them together under one code of behavior, however, is Black militancy" (Ianni, 1974). Clearly, Ianni recognized a new model of organized crime, one which manifested itself in a paramilitary structure, supported by a religious or sociopolitical ideology, and content with remaining culturally exclusive. Our research has uncovered yet another model, derived in large part from the rural southern culture in which the extended family formed the basis of unification.

Our initial inquiry, which is based on numerous interviews and document research, has provided another piece of evidence in support of Haller's contention: Blacks have been capable of organizing crime for several decades. The "family" we examined has been involved in organized crime for several decades, and possesses characteristics which are in many ways, reflected in Ianni's research of Italian-American organized crime. For example, we found that the agrarian values of hard work and individual responsibility were apparent; education (primarily private as opposed to public) was considered crucial to the success of the children; an adherence to traditional Christian values; and a general disassociation from other Blacks of conflicting values. The individuals studied were either predominately migrants to the north from the south or their parents chose to relocate to the north at a very early age in their lives. Cultural assimilation was an obvious characteristic which distinguished this model from the more militant model, which subscribes to cultural exclusion. The criminal organization was structured along traditional kinship patterns, often that of extended family being given greater authority and corresponding status. The open display of wealth was frowned upon and there existed a commitment to the economic, political and social interests of the indigenous community. The leader of the network often disassociated himself from the "other blacks," whom he perceived as lazy, dishonest, and always attempting to "get something for nothing." He prided himself on working long hours, his unique compatibility with other ethnic groups, and a desire to see his children profit from the toils of his work. It might also be pointed out that his early childhood was in a predominately Italian-American neighborhood. The significance of course, is that the family's attachment to agrarian values were reinforced by the community, which happened to be first and second generation Italians who emigrated from a rural culture.

Essentially, our findings suggest that extended family kinship ties do exist among Black organized crime, and that this "family" had been involved in organizing crime for several decades.

The Bankruptcy of Economic Deprivation Theory

A popular explanation of or for organized crime emanated from the liberal era of the sixties, in which opportunity theory transcended virtually all other theories of crime. Fundamentally, it was argued that the lack of legitimate opportunities was the principal cause of crime. This implicitly suggests that given a choice, legitimate opportunities vis-a-vis crime, the individual would opt for "legitimacy." Unfortunately, this rather simple and idealistic answer fails to recognize the variety or complexity of motivations which characterize human behavior. For example, if lack of opportunity, or more appropriately economic deprivation was the reason for individuals entering a career in crime, how does one explain the median income of Italian-Americans equalling or exceeding that of the dominant socioeconomic class—the WASPS—during a critical time in the evolution of Italian-American organized crime (Sowell, 1978)? Furthermore, if relative poverty was the primary reason for entering a career in crime, how does one explain the *fact* that most members of minority communities have struggled to remain legitimate members of society, despite the overwhelming odds against them? Ironically, organized crime today is comprised of middle and upper socioeconomic professionals, descendants of the aristocracy and well-to-do of Third World nations, and persons who have attained the economic success they strived for; yet they have opted to seek even more. The answer, we believe, lies not in explaining organized crime as an aberrant response to economic deprivation, but rather its genesis lies in an excessive appetite for material success which is never fulfilled. Simply, the acquisition of power and wealth feeds upon the frailties of human behavior, seldom satisfying the thirst for greater fame, recognition, and wealth. Hence, while we, too, believe that organized crime may represent a "queer ladder of social mobility," it is not limited to the "poor and powerless." The "rich and the powerful" are equally represented in organized crime, and it is this recognition which must be explored if we are to refine our knowledge of organized crime.

Violence and Corruption

In any discussion of organized crime, the central features which emerge (particularly in understanding how legitimate business is infiltrated, or should we say, how organized crime is invited in), is the interaction of violence and corruption. The 1967 Task Force Report on Organized Crime addressed these issues, and again, in 1976, the issue of corruption was a major feature of the Task Force's recommendations.

Fundamental to acquiring control of a competitive illicit market is the ability and capacity of a criminal organization to apply the sanction of fear—fear of arrest, imprisonment, or physical harm—upon competitive criminal organizations. The reason for this is quite obvious. Given the absence of legal recourse in order to acquire control, a criminal organization must opt for extralegal methods of sanctioning those who do not adhere to the rules. While violence is an acceptable method in the criminal subculture, the use of corrupt public officials is generally more efficient and effective. That is, eliminating competitive advantage through the use of the state is more subtle, and therefore is less likely to draw attention to organized crime. Moreover, as organized criminals adopt the values of middle- and upper-class socioeconomic classes, resorting to personal physical violence is less acceptable. Replicating the ways of the "upperworld," organized criminals will engage in a form of "lobbying"; corruption represents, in this case, an extension of the "lobbying" system. It is appropriate that we address several important elements of the corruption and violence process.

First, the traditonal views of corruption is one-dimensional. That is, organized criminals are perceived as the "corrupter" and the government official is usually depicted as the "corrupted." Thus, it is not unusual to find such statements as "organized crime seeks to corrupt public officials," or "the public official was corrupted by organized crime," both of which suggest that the organized criminal is the "offender" and the public official is the "victim." It may be more appropriate to again recognize that when organized crime is found to exist in a particular area, it is often a corrupt public official who has "extorted" the career criminal and, in essence, permitted the criminal to operate void of government intervention. Thus, we must be careful to recognize the interaction which exists between the "upperworld" and the "underworld," realizing that it is often an interactive process of negotiation and compromise which ultimately determines who will be granted an exclusive franchise.

Secondly, the "takeover" of a legitimate business by organized crime may in fact be an "invitation." That is, when organized criminals are perceived as infiltrating a business, again the "offender" is the organized criminal and the "victim" is the "legitimate" businessman. Seldom are the more serious and critical questions asked. For instance, why is it that certain legitimate businesses are more likely to rely upon financing from illegitimate sources? It would appear that the question of "legitimate" business infiltration could best be understood in terms of the types of businesses that legitimate sources of capital are willing to invest in vis-a-vis, why organized criminals are more prone to infiltrate certain businesses.

Thirdly, the use of violence in organized crime is often sensationalized so as to minimize a coherent and serious treatment of its dimensions. Said differently, we know little about when violence is used and even less about its effect on controlling an illegal market. In one of the few studies that addressed this issue, we found that being suspected of informing to the police was a primary motive for a relatively large number of homicides (Martens, 1974). Seldom was murder used to mediate a dispute wherein an employee of a criminal organization was suspected of "cheating" or to eliminate a competitive organization. As a rule, the use of violence adheres to a more parochial interest: that of maintaining internal security. Again, this is not to suggest that intercompetitive acts of violence do not exist; only that they are not as prevalent as is often suggested.

Lastly, it is important that we recognize that while the act of violence represents the ultimate sanction, it is in fact the fear of violence that deserves special treatment. For the actual act of violence is not necessary in acquiring control of an illicit market; rather it is the fear of punishment which may create an environment conducive to exclusive control. In this respect the mass media plays a central, if not critical role. For the manner in which the mass media has chosen to sensationalize the "gangland murder" has created an image of swift and certain punishment to anyone who attempts to "buck the organization." The invincibility of the "mob" as represented by the inability of the police to successfully investigate "mob violence" only serves to enhance the power and prestige of the criminal organization. In essence, the treatment of violence by the media in the long term serves the interests of organized crime, providing a tacit message to any prospective victim, customer or witness.

Conclusion

Public perceptions of organized crime are in need of serious redefinition. Significant discrepancies exist between what is presented by "researchers," journalists, and law enforcement officials who, despite their well-intentioned beliefs, are often victims of ideological commitments. The issues raised provide justified skepticism regarding what are responsible public policies in the "war against organized crime." If the police are to be effective, this "war" as it has been so conveniently named, must be logically conceived, thoughtfully executed, and critically analyzed. This can only occur when our knowledge of organized crime is sufficiently expanded to understand just what it is we are attempting to control or, as some have optimistically suggested, eliminate. Acquiring this knowledge will be difficult, yet not insurmountable. Certainly, it is clear from the critical void in the empirical research that the discrepancies which do exist are significant enough to warrant a more refined and intense commitment to the systematic study of organized crime.

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Organized Crime, RICO, and the Media: What We Think We Know

BY SIMON WYNN AND NANCY ANDERSON, Ph.D.*

ORGANIZED CRIME has long been a topic of intense interest to the media, which has in turn, fuelled and moulded public attitudes towards racketeering. The enactment in 1970 of RICO (the inspired acronym for the Federal Racketeer Influenced and Corrupt Organizations Act), however, has substantially changed both the law relating to organized crime and Federal enforcement practices. In this article, we examine the operation of the new racketeering law and some responses to it. We argue that there has been a failure to assess the implications of the legislation, and that the media has continued to provide a picture of organized crime that conceals reality and hinders informed criticism.

It is now a sociological truism that mass media plays an active role in shaping the news and images that it disseminates. (Tuchman, 1973; Connell, 1978; Fishman, 1978) Questions of simple error, censorship, or overt political partisanship aside, it is a widely accepted notion among students of the media that occupationally, institutionally and conceptually, newsmakers *cannot* be neutral or naive about their business and its product, reportage. Let it be stated at the outset: we are uninterested in flogging the horse of news "objectivity"; that, if not dead, will take us nowhere. Our study, instead, relies on newspaper coverage as much as a resource for our examination of organized crime and RICO as a subject of critical scrutiny.

In particular, we are concerned with the coverage of "organized" crime (typically described as the Mafia, the Mob, La Cosa Nostra or crime families) in contrast to news items on "organizational" crime (usually an *ad hoc* collection of white collar crimes, or industrial and governmental misconduct).[1] This distinction reflects conventional views regarding criminal agency, types of infractions alleged or committed and the practicality of enforcement. Such duality, together with the logic of its categories and descriptions of its boundaries, is unquestioningly, if implicitly, disseminated and thereby fostered by news accounts. Collapsing together conventional wisdom, sociological perspectives on crime and juridical categories and strategies of enforcement can only increase public confusion about crime, law enforcement and their consequences.[2]

Such confusion is particularly alarming at a time when the Reagan administration is calling for an expansion of local and Federal police powers and a contraction of judicial scope and discretion. The administration also fosters a political climate that stridently insists upon the failures of "liberals" on the bench and in academia to deal adequately with crime in the United States (*New York Times*,

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[1] The term is not used by the news media; rather it is drawn from sociology. "Organizational crimes are illegal acts of omission or commission of an individual or group of individuals in a legitimate, formal organization in accordance with the operative goals of the organization, which have serious physical or economic impact on employees, consumers or the general public." (Schrager and Short, 1978, 28, see also McIntosh, 1975).

[2] We conceive of law and the state both as mechanisms for perpetuating the current arrangement between the social classes and a study of the wording of RICO, its utilization as mediated and possibly altered through the specific institutions of police, prosecutors and courts, and its presence (or absence) in news reports, may shed new light on the relationship between the state and diverse sectors and institutions of civil society.

Oct. 15 and 30, 1981). We do not assert that the American press is always the mouthpiece of the state. Nor do we maintain that the conservative political and institutional forces which seek to monopolize the public discourse on crime and society will go unchallenged. Still, the informed concern from which such challenge may arise is not best served by current news accounts of "organized" and "organizational" crime. Indeed, the process of evaluating our knowledge in this area is, we believe, hampered by the failure of the media to reassess its own knowledge.

If, to borrow from the positivist tradition in legal philosophy and the labeling tradition in sociology, we can agree that an essential aspect of crime is the activity of the state in terms of legislation, patterns of enforcement or inactivity, as well as the closely held control over investigation and data collection on crime, then it is reasonable to inquire into the news media's treatment of RICO. For RICO, we believe, is the most significant piece of Federal legislation ever enacted pertaining to patterned criminal conduct.

While RICO indictments and convictions appear in daily news coverage, the law itself and its emerging potential for general police surveillance as well as for specific prosecutions have been largely ignored (compare Donner, 1980). Moreover, RICO draws for some of its most important elements on concepts created, or at least defined, by sociologists (see Abadinsky, 1981; Cressey, 1969; Ianni and Ianni, 1976). In this article, we attend to some issues arising when sociology and law enforcement are united by a marriage of convenience in which the interests and identities of the parties to the union remain unexamined.

The Legislation

There is no doubt that RICO, the "new darling of the prosecutor's nursery,"[3] was steered through Congress on the basis of its ability to combat organized crime (see Blakey, 1980), as that term was understood by all those persons who had viewed the parade of Mafia members and fellow-travellers passing before the television cameras covering the proceedings of the Kefauver Committee (see Moore, 1974) and later the McClellan Committee. Congress was not so naive as to believe that the entirety of organized crime was to be equated with the Mafia (organized crime is described in the preamble to the legislation—though not defined—as an "activity" rather than as an entity or group, for example) but the Congressional Statement of Findings and Purposes makes it clear that "The Mob" was the target of the legislation:

> The Congress finds that (1) organized crime in the United States is a highly sophisticated, diversified, and widespread activity that annually drains billions of dollars from America's economy by unlawful conduct and the illegal use of force, fraud and corruption; (2) organized crime derives a major portion of its power through money obtained from such illegal endeavors as syndicated gambling, loan sharking, the theft and fencing of property, the importation and distribution of narcotics and other dangerous drugs, and other forms of social exploitation; (3) this money and power are increasingly used to infiltrate and corrupt our democratic processes; (4) organized crime activities in the United States weaken the stability of the nation's economic system, harm innocent investors and competing organizations, interfere with free competition, seriously burden interstate and foreign commerce, threaten the domestic security, and undermine the general welfare of the nation and its citizens; and (5) organized crime continues to grow because of defects in the evidence-gathering process of the law inhibiting the development of the legally admissible evidence necessary to bring criminal and other sanctions or remedies to bear on the unlawful activities of those engaged in organized crime and because the sanctions and remedies available to the Government are unnecessarily limited in scope and impact.

Despite the references to organized crime in this statement, and further despite the fact that RICO is part of the Organized Crime Control Act of 1970, Congress did not attempt to define the term organized crime in the legislation. Nevertheless, the references to income derived from control over gambling and narcotics trafficking are certain indicators that the Mafia, plus those non-Italians routinely associated with them by police, prosecutors and the media (typified by the routine appearance of Jewish gangsters in *The Untouchables*), were clearly in mind.

In fact, the legislation as enacted had a far broader reach. RICO, creates four offenses, the first three penalizing the involvement of the defendant in an "enterprise" (broadly defined to include any group, organization or individual) either through the investment of illegally derived income or through control or influence over the enterprise. There is also an offense of conspiracy to commit any of these three crimes. The penalty specified for any of these offenses is up to 20 years imprisonment, $25,000 fine and forfeiture of assets.

The offenses are united by the inclusion within each of a common material element; the participation by the defendant in a "pattern of racketeering activity." That element is defined in the vaguest of inclusionary terms. RICO states that a

> Pattern of racketeering activity requires at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred

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[3] The reference derives from Judge Learned Hand's description of conspiracy law in *Harrison* v. *U.S.* 7 F. 2d 259, 263.

> within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity.

Senator John L. McClellan (1970, 144) the chief architect of RICO, wrote of this definition

> The term "pattern" itself requires the showing of a relationship and the [Senate] committee report thus reinforces that interpretation. So, therefore, proof of two acts of racketeering activity, without more, does not establish a pattern. . . .

This is a somewhat naive view of judicial interpretation of legislation in that it expects the courts to read the word "requires" in the definition to be nonexhaustive, so that two or more crimes would be a necessary but not sufficient condition for a finding of a pattern. It is hardly surprising that *some* courts have in fact not followed this invitation to second guess Congress. The Southern District Court for New York held (*U.S.* v. *Field*) that Congress could define a pattern as the commission of two acts within a specified period, even though the act would not constitute a pattern as that term is usually understood.

The list of acts of "racketeering activity" is compendious, ranging from murder and kidnapping to any crime chargeable and punishable under *state* law by imprisonment for more than 1 year. It is in fact insufficiently broad as to include virtually any crime other than the most trivial. It includes threats as well as actual acts and extends from sports bribery and securities fraud to arson and robbery. There is nothing in this list of predicate offenses which distinguishes between the activities of the Mafia and those of, for example, a political or national liberation group engaging in a campaign of violence or threats of violence.

Thus, all that needs to be proven for a RICO conviction, in addition to the commission of the two crimes, is that they are part of a "pattern." But, as already indicated, this term has been very loosely defined by the courts and, in a number of cases, it has been held that *nothing* more is needed than the commission of the two predicate crimes. Even those courts which have stressed the requirements of an extra "connection" between the racketeering acts have spoken in terms of a "common scheme" requiring only something more than accidental or unrelated series of criminal acts (see, e.g. *U.S.* v. *Tofsky*).

Another limitation on the power of the government to prove racketeering activity merely through the commission of two crimes is that there must be a "nexus" between the crimes and the conduct of the enterprise. In other words, it is not enough to prove simply that the officers of a corporation (for example) committed a number of crimes. It must be shown that these crimes were somehow, directly or indirectly, connected to or predicated upon the existence and activity of the corporation. This is not, generally, a major problem.

RICO also provides civil remedies (including treble damages claims) for persons whose businesses have suffered loss due to defendants' engaging in racketeering activity. In these cases, which are essentially legislatively created tort actions, it is not necessary that the RICO defendant actually be convicted of *any* crime. It is sufficient that he be shown, on the civil preponderence of evidence rather than the criminal standard of proof beyond a reasonable doubt, to have committed acts which constitute a crime (see Brodsky, 1981). Although a *criminal* conviction under RICO could not be justified under these circumstances, the broad reach of the law is obvious and, whether civil or criminal sanctions are sought, the verdict is still "guilty of racketeering."

One of the most important features of RICO is its extension of Federal criminal jurisdiction. This is a consequence of two features of the legislation. First, it is not necessary for the government to prove as part of a RICO prosecution that the particular racketeering *activity* affects interstate commerce. It is sufficient, probably due to the express assertion of Congress that organized crime seriously affects interstate and foreign commerce, that the *enterprise* being used in the pattern of racketeering activity should affect interstate commerce. This will rarely present a problem. Second, the inclusion within the list of predicate offenses of state crimes punishable by imprisonment for more than 1 year effectively invests the Federal authoritites with potential jurisdiction to investigate offenses under state law.

Finally, the RICO conspiracy offense demands special attention. It has been ruled in at least one appellate case that the conspiracy court under RICO has a broader reach than "general" conspiracy. It seems that conspirators may be convicted under RICO even if they do not know of each other's existence (something generally impossible under previous law). This is a result of the fact that the "enterprise" and "pattern" concepts provide some sort of link between conspirators which may transcend *factual* connections.

RICO Prosecutions and Enforcement Efforts

Although, as we have argued, RICO was designed to eradicate organized crime, during the years since its enactment it has come to play an increasingly important role in government enforcement efforts against a wide variety of organizational crimes. This usage encompasses not only conspiracies involving persons who do not fit the traditional conception of organized crime, such as the Weather Underground, but also defendants in corruption, fraud, business crime, misconduct and a host of other cases which have as their only common element the fact that prosecutors have exercised their unfettered discretion so as to characterize the criminal behavior as a pattern of racketeering activity taking place in association with an enterprise, defined again by the prosecutors themselves.

Between 1970 and 1975 very few cases were brought. This is probably due to the fact that constitutional problems existed as to prosecution for acts committed before the enactment of the legislation. By 1979, however, well over 200 criminal prosecutions had been instigated and perusal of the later law reports reveals an ever-increasing volume of cases.

Targets under RICO range from "known" organized crime figures such as Frank ("Funzi") Tieri and Dominick Brooklier to former Governor Mandel of Maryland. Recent cases in New York have involved the conviction of Carmine and Peter Romano, local union leaders, for labor racketeering in the Fulton Street Fish Market and the conviction of six New York City marshalls in respect of official misconduct and extortion. RICO is by no means restricted to Italian defendants.

In recent times RICO has played a significant role in the investigation and prosecution of violent crimes committed by groups claiming political motivation. A Croation nationalist group and, very recently, members of the Black Liberation Army and the Weather Underground have been indicted for engaging in racketeering activity.

"Enterprises" identified under RICO include a Mafia "family"; the Hell's Angels Motorcycle Club (this case resulted in a rare jury acquittal of the defendants); the Macon, Georgia, Police Department; a General Motors factory (loansharking amongst workers); the Marubeni Electrical Corporation (a bribery case); a pool hall; a nightclub and an arson ring.

The effect of RICO transcends prosecution and conviction. The legislation justifies government surveillance and other intelligence-gathering efforts in a wide range of circumstances, including situations which might, before RICO, have been restricted to state law enforcement agencies. Wiretapping, the use of informants and sting operations are all tactics which can be used under RICO to remedy the "defects in the evidence gathering process" asserted by Congress to be partly responsible for the inability of the law to eradicate organized crime.

What We Think We Know

At this point it is essential to note that we do not regard the application of RICO to cases falling outside the traditional conceptions of organized crime as inherently wrong. We believe that many criminal activities committed within the framework of what sociologists have identified as organizational crime are wholly deserving of prosecution. We are concerned rather to demonstrate that, whatever the rationale for the enactment of RICO once was, the broad discretion given in the legislation to the executive has, in fact, already been used to extend its reach in what seems to be an ever-widening net. Only 2 years ago, a Federal District Court (*U.S.* v. *Aleman*) stated that it hoped that "government prosecutorial policy will reserve use of this statute for racketeers, leaving local crimes to local authorities." The example of the New York City marshalls' case shows how forlorn that hope has become. The point is that the government has, effectively, redefined both racketeering and organized crime. It is time that we examined both this redefinition and our understanding of what we "know" about organized crime.

Unfortunately, in this regard the concerned public is hindered by a number of factors. First, there is very little known about the activities of organized crime at any level which does not come from the police (see Reuter, *et al.*, 1981). The police, understandably, guard closely their sources of information. Outsiders have thus far been either unwilling or unable to generate alternative information sources.

Second, and perhaps more important, is the continued fascination of the public in general, and the media in particular, with the Mafia. Now it is of course beyond question that the Mafia exists and is important. The brief discussion of RICO cases above indicates, however, that the government views the Mafia as only a part of the racketeering menace. Yet, the media continues to cast its reports in terms which suggest that only Italians and labor leaders (together with a few Jewish businessmen) are subject to racketeering law. A simple example is the press treatment of the conviction, on guilty plea, of two officials of a major communications company. This case grew out of the investigation of the collapse of the Westchester Premier Theatre in Terrytown, New York, in which Frank Tieri was associated. Mr. Tieri was convicted under RICO of being the head of a Mafia family (the first case ever made in which the existence of the Mafia was proved in criminal court). It was well known to all those aware of the case involving the two executives that the Federal RICO Strike Force was involved. Yet the newspaper accounts do not mention RICO, restricting themselves to the predicate offenses covered by the plea.

This attitude is not restricted to the news media. In a recently broadcast episode of *Today's F.B.I.* the crooks wound up being arrested "under the RICO statute." This presumably indicates that the producers believed that the name "RICO" would be recognized by the viewing public. The crooks were, naturally enough, Mafia members and labor racketeers. It is worth noting also that this program is produced with the support of the F.B.I.

Third, we are hindered in our analysis of racketeering by the imprecision of the concepts developed by sociologists and others upon which our whole understanding of collective criminal activity is based. Early descriptions of the structure of organized crime families and affiliations caused law enforcement agencies in search of means to organize their own intelligence gathering efforts to adopt network analysis and its progeny, the association matrix. Absent a formal, recognized group structure, relationships between persons within and outside informal groupings were the only way to make sense of the mass of data being generated from wiretaps and other information sources. These relationships could not, however, be used in court to secure convictions. They were simply too tenuous, resembling nothing more than alleged guilt by association. RICO, with its broad definition of "enterprise" seeks to overcome this problem. Ultimately, it cannot do so, for the underlying concept seems incapable of definition.

Conclusion

One standard by which to evaluate criminal legislation is the specificity of the prohibited behavior. Here, RICO's notions of enterprise and racketeering are deficient. Clearly, the statutory list of offenses that consitutes a pattern of racketeering activity offers nothing new; such legal prohibitions antedate RICO. What then is new and why should it be valued?

Perhaps the value of the legislation lies in the argument that the particular crimes are more heinous when they emanate from and are carried out by definable and boundable aggregates, enterprises. Thus only to punish particular offenses committed by members of such an organized, aggregate, collective entity is to attack symptoms but not causes, to cut off Hydra's heads without slaying the monster.

If so, can RICO, through criminal or economic sanction, neutralize or obliterate such an organization? It seems not. The reason for such failure stems not, we maintain, from the juridical, organizational, or occupational incapacities, errors or failures of those responsible for utilizing RICO. Rather, the problem is inherent in the logic and application of the law. In a RICO case, the state has power not only to define the crime (through both the wording of the legislation and indictment) but also the nature and size of the enterprise involved. On the one hand, this enterprise may be made up of only those persons charged with racketeering. If so, then it is difficult to understand what RICO adds (other than the seldom-used forefeiture procedure) to the predicate racketeering offenses. On the other hand, if the offenders are part of a larger organization then the nature and legal status of that organization need to be studied. There are very few formal or informal organizations in the United States in which membership *per se* is illegal. The conviction of Frank Tieri as a member of the Mafia is almost unique. For clarity, let us contrast the Mafia with the Ku Klux Klan; much of the Klan's activity is reprehensible, illegal, or both. But it is not against the law simply to belong to the Klan.

Furthermore, if the defendants constituting an enterprise are members of formal, legitimate organizations, such as business corporations, labor unions or governments, then the prosecutor's goal is unlikely to be the complete destruction of organization. What then of economic sanctions in such cases, in particular what of forfeiture? Whatever one's personal or political sympathies may be, it would be clearly illegal and probably impossible to seize the assets, let us say, of General Motors in the event that several of its stockholders are found guilty under RICO in connection with a long-lasting heroin importing operation and can be shown to have invested their heroin profits in General Motors stock.

Ultimately, RICO adds to governmental investigative, surveillance and prosecutorial power by failing to set out precise parameters by which to define the identity and boundary of an "enterprise" or of "racketeering." We remain unconvinced that, given the extension of RICO into cases of organizational crime as discussed above, there are now (or ever have been) serious defects in either the evidence-gathering process or in substantive law which would prevent a sufficiently-motivated

Federal Government from pursuing such cases. What we are convinced of is that there has been an effective redefinition of racketeering by the state. We do not yet know what that new definition is, and will not know until there is a full analysis of the processes of prosecutorial decisionmaking in this area. But it is now clear that it is time for a speedy re-examination of everything we think we know about organized crime.

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Adolphe Quetelet: At the Beginning

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NO DISCIPLINE should forget its pioneers; but, in criminology, that seems to have been the fate of Adolphe Quetelet. Traditional history usually locates the beginning of scientific criminology in Italy with the Positivist School founded by Caesar Lombroso. But whatever his contributions to criminology, Lombroso was not even born when Quetelet published his *Research on the Propensity for Crime at Different Ages* in 1831. It is more likely that this work, and not the much more famous *Criminal Man* of Lombroso, was the first scientific study of crime.

Lambert-Adolphe-Jacques Quetelet was born in the city of Ghent on the 22nd of February, 1796, the son of a minor official who died when Quetelet was 7 years old. Quetelet attended the lycee in Ghent and, after graduation, taught at a private school in Audenard. Later, he returned to Ghent and to a post teaching mathematics at the Royal College there. During Quetelet's stay at the Royal College, the building of a new university at Ghent was completed, and among the faculty recruited was a former professor from the Ecole Polytechnique in Paris, Jean Garnier.

Garnier taught mathematics and astronomy and had considerable influence on Quetelet's decision to pursue further study in these subjects himself. Quetelet studied with Garnier and eventually assisted him with his teaching at the University. In 1819, Quetelet was the first candidate at the new University to complete a doctoral dissertation; and, in the same year, he was appointed to the position of professor of elementary mathematics at the Brussels Athenaeum.

Garnier was also influential in gaining membership for Quetelet in the Royal Academy of Science and Literature in 1820. The membership was fortunate for both Quetelet and the Academy since it offered Quetelet an expanded opportunity for his teaching and research and, at the same time, brought to the Academy a vigorous young scholar who would breathe life into a scientific institution which had fallen on hard times. Indeed, the state of the sciences as a whole in Belgium was not healthy, and one of Quetelet's first proposals as a member of the educational establishment was probably designed as much to invigorate the Belgian scientific community as for its intrinsic scientific value. It was to build an astronomical observatory.

Quetelet said "... that for the honor of the country and the dignity of science, an observatory should be built." He was probably right since, in the 19th century, the building of observatories and the founding of scientific societies had proven in other countries to be useful not only in advancing science but also in promoting national prestige.

A Scientific Approach to the Study of Society

Quetelet's conception of scientific method, which he later transposed for the study of society, came from his work in astronomy. Quetelet knew, for example, that it was impossible to make astronomical measurements exact. The inevitable imperfections in astronomical instruments, slight differences among observers, and constant changes in the thing observed make it necessary that any measurement be only an approximation. Such an approximation is based on an average of all the slightly different empirical measurements taken and, depending on the number of measurements, has a greater or lesser probability of being close to the "true" measurement.

This interest in the theory of probabilities was enhanced during a visit by Quetelet to the Royal Observatory in Paris where he made the acquaintance of several famous statisticians: Fourier, Poisson, and especially LaPlace. His later application of probability theory to such "unastronomical" subjects as meteorology, physiology, and sociology was partly caused by the slowness of the Belgian government in building the observatory. Quetelet simply found other applications for his theory. Among such applications were: "Research on Population, Birth, Deaths, Prisons, Work-houses, etc., in the Kingdom of the Low Countries," "On the Constancy which One Observes in the Number of Crimes which Are Committed," and two major reports — the latter of which concerns us here: *Research on the Law of Growth in Man* and *Research on the Propensity for Crime at Different Ages.*

Before we consider the specific contributions of Quetelet to criminology, it is important to note the place he occupied in the history of science as a whole because Quetelet's approach to the study of crime is very much the outcome of a scientific tradition.

A scientific approach to the study of society depends on the existence of a scientific perspective generally. For there to be a "social physics" there must be a physics; for there to be a "social mechanics" there must be a point of view which claims that the world can be understood best by viewing it as a machine. That kind of perspective was perhaps most fully developed in 17th- and 18th-century European thought. The world of the scientist of this period changed from a universe consisting of various levels of reality — some knowable and some mysterious, to a unitary reality made up ultimately of atomic particles arranged in space in a mechanical order which human intelligence could fully penetrate and understand.

This "disenchantment" of the natural world was paralleled by a similar rationalism in political and social affairs. The modern state, with its emphasis on progress in commerce and technology, was no longer seen as governable by immutable principles based on divine law, but on far more secular rules based on what that great realist Justice Oliver Wendell Holmes called "the felt necessities of the time." However, it was now necessary for governments to be able to find out just what those "necessities" were; hence, the development of the first large-scale social surveys and the science of "political arithmetic."

Quetelet is not only known for his use of such social data (the recorded statistics of crime, for example) but for his *scientific* use of them. Perhaps the most prominent model of science available to someone like Quetelet was the one stemming from the philosophy of Rene Descartes. The Cartesian vision of the world seeks assurance of the nature of things by the use of unassailable principles which can be grasped by the reasoning mind. As the world is essentially made up of atoms mechanistically related, such principles are those of physics and mathematics. And, since that reasoning mind stands outside the world it observes, the data of its observations are assumed to be real, material, and measureable — not a figment of the imagination or a category of logic. Consequently, one approaches science through the techniques of observation, counting, measurement, and calculation.

Given this perspective, it is not surprising that the pre-eminent sciences of the time were the physical sciences and that this would be the model available to anyone who sought to apply science to the study of society. Not surprising either is the fact that Quetelet should call his science of society "social physics" or "social mechanics" and claim that such a science would advance as it became more mathematical. He says in *Research on the Propensity for Crime:*

> It seems to me that *that which is connected to the human species, considered as a body, is of the order of physical facts*; the more the number of individuals is large the more the individual will be effaced and leaves behind to predominate the series of general facts which depend on general causes, ac-

> cording to which society exists and is maintained. It is these causes that it is a question of apprehending, and as soon as we are familiar with them, we shall determine from them the effects for society as we determine the effects by causes in the physical sciences.[1]

It should be noted that Quetelet is not making any claim about the essential nature of the data themselves but is only claiming that social data could be analyzed by some of the same techniques which had proved so fruitful in the more traditional sciences of physics and chemistry. About 60 years later, Emile Durkheim says much the same thing in *The Rules of Sociological Method* when he urges sociologists to "Consider social facts as things."

Neither Quetelet nor Durkheim are making metaphysical statements but are seeking to establish an appropriate methodology for the social sciences. Both Quetelet and Durkheim are likewise sensitive to the need to make generalizations about data, and the relationships among data, based on the average results of many individual observations; and they both are convinced of the usefulness of typologies in social science and the role of statistics in establishing them. For Quetelet, these concerns are summed up in his concept of the "average man."

Quetelet begins *Research on the Propensity for Crime at Different Ages* by acknowledging that any conclusions he may reach can be applied only to the "average man."

> The man which I considered is in society the analogue of the center of gravity in matter. He is a fictional being in regard to which all things happen in accordance with average results obtained for society. If the *average* man were ascertained for one nation, he would present the type of that nation. If he could be ascertained according to the mass of men, he would present the type of the human species altogether.[2]

When people are considered as individuals, their behavior must be viewed with all its accompanying personal motivations and free choice. However, when the behavior of groups is considered from the viewpoint of their typical or average characteristics, that behavior then takes on some of the qualities of the natural world — characteristics of regularity, measurability, and predictability. For this reason, Quetelet sees the study of criminal behavior and its correlates as one of "social mechanics." Apparently Quetelet believes that such a positivist approach to human behavior still has the ability to rile his conservative critics or the powers of religion, as he spends some time justifying the scientific study of man, and finally states:

> After having seen the progress which the sciences have pursued in regard to universes, are we not able to try to pursue it in regard to men? Would it not be absurd to believe that, while all happens according to such admirable laws, the human species alone remains blindly neglected by itself, and that it possesses no principle at all of conservation? We are not afraid to say that such a supposition would be more offensive to the divinity than the very research which we intend to do.[3]

Measurement of Data

Granting, then, that a scientific approach to the study of man is not only possible but justifiable, how are measurements of social phenomena — specifically crime — to be done? Quetelet emphasizes, once again, that any science of crime must go beyond a concern with the individual offense or offender and be concerned primarily with types of crime and average offenders. Such averages can only be ascertained by gathering large numbers of data. Quetelet also distinguishes, in this context, between direct and indirect measurement of data. Measurement of the first type would be of such things as men's heights and weights. On the other hand, there are data "which cannot be measured directly and which can only be *perceptible by their effects*."[4] Social and moral characteristics are among the data of this latter type, and among these is the propensity for crime.

Quetelet believes that the propensity for crime of the average man (or average woman, or average Frenchman or Belgian or German, of a certain age or educational level) can only be judged by measuring how many crimes are committed by these groups — the accuracy of that judgment increasing with the number of measurements taken and by taking them over a number of years.

> In this sort of evaluation the values obtained have so much more probability of approaching the true value that one is searching for, all things being equal, as the observations are more numerous . . . . Moreover, as I have already remarked concerning them, these methods of evaluation are pretty nearly impracticable when it is a question of two individuals, because the facts are not sufficiently frequent for one to be able to conclude something satisfactory from them, and because, in addition to which, individuals are able to change in the course of observations. It is no longer the same concerning it for the average man. . . .
>
> It would be impossible in comparing two men, the one from 21 to 25 years, the other from 35 to 40, to determine what is, all things being equal, their greater or lesser propensity for theft or even for crime in general, because this propensity will perhaps not reveal itself by even a single act in the course of observations — that which is no longer the case when one takes collectively all men of the same age. The number of acts or effects in that case is sufficiently great so that one could without perceptible error neglect the different degrees of strength of these acts. If it happens, moreover, that

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[1] Adolphe Quetelet, *Recherches sur le penchant au crime aux differents ages* (deuxieme edition), Bruxelles, M. Hayez (1833), p. 80.
[2] Ibid., p. 1
[3] Ibid., p. 4
[4] Ibid., pp. 13-14

> the number of crimes remains pretty nearly exactly the same from one year to the other, a very great probability exists that the result obtained deviates very little from the truth.[5]

Consequently, Quetelet sees the propensity for crime not as an individual predisposition toward evil or evil brought about by moral default. Men must find themselves in a position where their surroundings provide not only the temptation to commit particular crimes but also the opportunity and the means to do so. Quetelet seems clearly to recognize environmental elements in crime causation and to preview the great emphasis which would be placed on these in 20th-century criminology. These elements of the propensity for crime Quetelet would establish, as he would the nature and extent of crime itself, by the use of statistics.

Dealing With Criminal Statistics

It is in the use of criminal statistics that Quetelet is probably the first to note certain cautions which statisticians today must still keep in mind. He is aware, for example, that recorded statistics of crime generally represent only some fraction of the actual number of crimes committed. He also states a pragmatic assumption about the nature of that fraction, an assumption which anyone dealing with criminal statistics has had to make from Quetelet's day to the present.

> It is that our observations can only correspond to *a certain number of crimes known and judged out of an unknown sum total of crimes committed.* As this sum total of crimes committed will probably remain unknown forever, all the arguments for which they will serve as a basis will be more or less defective. I do not even hesitate to say that all we are conversant with on the statistics of crimes and offenses would not be of any use unless it were admitted tacitly that *there exists a relationship pretty nearly invariable between offenses known and judged and the unknown sum total of offenses committed.* This relationship is necessary, and if it did not exist in reality, all that one would have expressed up to this day from statistical documents of crimes would be false and absurd.[6]

In addition, Quetelet is aware that the relationship between crimes committed and recorded statistics varies with the type of crime and the rigorousness of law enforcement. Where the police and the courts are efficient, statistics of murders and manslaughters may come close to mirroring the actual incidence of these crimes. The relationship between crimes and statistics of crimes becomes considerably weaker with thefts and other less serious offenses, particularly — says Quetelet — if the victim is ignorant of his being wronged or reluctant to complain.

The criminal statistics which Quetelet principally uses in his research are contained in the famous series of judicial statistics in France known as the *Comptes généraux de l'administration de la justice.*

Quetelet begins his consideration of this body of statistical data by noting the percentage of the population accused before the courts for crime and the percentage of the accused who are condemned. This in itself, he says, would not indicate anything very specific about the propensity for crime were it not for the fact that the same proportions tend to persist from year to year. Invoking the principle that "effects are proportional to causes, and that effects remain the same if the causes which produced them have not varied,"[7] Quetelet asserts that the general propensity for crime can be determined for future years by looking at data for past years.

The first specific factor which Quetelet attempts to associate with crime is the intellectual state of the defendant. He determines, in fact, that the more people are educated, the higher is the proportion of crimes against the person which they commit. However, Quetelet does not see education as a cause of such crimes. He actually claims that persons with more education commit fewer crimes totally, but as they commit so few crimes against property (because of their generally greater affluence) they do commit more crimes against the person proportionately.

Climate and Crime

Quetelet discusses some of the most clearly environmental factors in the section concerned with the influence of climate on crime. However, Quetelet never attempts any simplistic correlation between climate itself and crime. What he does do is to try to fix the relative incidence of types of crime in various locations in France and the Low Countries, and then to suggest a number of social and economic factors (such as poverty and education) which appear to be related to those types of crime and are similarly limited by location. But even here Quetelet is appropriately cautious in assigning causes.

> After having established these facts, if one seeks to go back to the causes which produce them, one finds himself stopped at first by a number of obstacles. And in fact, the causes which influence crimes are so numerous and so diverse, that it becomes almost impossible to assign to each its degree of importance. It often happens, moreover, that causes which appeared very influential give way before others of which one had scarcely dreamed at first. It is that which I have particularly experienced in the present research. I was too preoccupied perhaps, I admit it, with the influence which one accords to education to weaken the propensity for crime. It appears to me that the common error originates especially

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[5] Ibid., p. 6
[6] Ibid., pp. 18-19
[7] Ibid., p. 23

> because one expects to find fewer crimes in a country because more children are sent to school there, or because in general more people in the population know how to read and write. Rather, it would be moral instruction which must be kept in mind, because very often the instruction which one receives in schools offers only a means, moreover, for committing crime. One also quite generally looks at poverty as leading to crime; however, the department of Creuse, one of the poorest in France, is the one which presents in all of the reports, the most morality. Likewise in the Low Countries, the most moral province is Luxembourg where the greatest poverty reigns. It is advisable, however, to be understood on the word poverty, which is employed here in an acceptation which can be regarded as improper. A province in fact is not at all poor because it contains fewer riches than another if its inhabitants, as in Luxembourg, are sober and active — if, by their work, they succeed in providing in a sure way for their needs and to satisfy tastes so much the more modest, that the inequality of fortunes makes itself felt less there and provokes less temptation. One will say, with more reason, that this province enjoys a modest affluence. Poverty makes itself manifest in the provinces where great riches are amassed, as in Flanders, Holland, and the department of the Seine, etc., and especially in the manufacturing countries where, by the slightest political commotion, by the slightest obstruction in the outlet for commodities, thousands of individuals pass suddenly from a state of well being to that of misery. These are the rough alternations from one state to another which give birth to crime, especially if those who suffer from them are surrounded by subjects of temptation and find themselves irritated by the continual view of luxury and of an inequality of fortune which disheartens them.[8]

Correlates of Crime

In just about the same way as with climate, Quetelet deals with the relationship between each of the various races he considers (Celtic, Germanic, Pelagian) and crime. After noting some gross distinctions among the races in their criminality, Quetelet moves on to what he calls "local anomalies" which tended to modify those distinctions: for example, the differential availability of opportunity to commit various crimes, population density, extent of vagabondage, the growth of industrialization and the resulting "agglomerated population" insecure in its employment.

Quetelet notes only briefly the relationship between the seasons and crime, and describes the relationship as showing a relatively high incidence of crimes against property and low incidence of crimes against the person in the winter, and just the opposite relationship in the summer. Quetelet explains this by citing the greater "misery and need" in winter and the "more frequent contacts" among people in summer.

On the influence of sex on crime, Quetelet observes first that the general propensity for crime among women is about one fourth that for men. In addition, there are several other distinctions in regard to various types of crime. For example, as one might expect, rapes and indecent assaults are crimes for which males are almost exclusively the defendants; while in poisonings the sexes are charged almost equally. Among crimes against the person, Quetelet finds that women commit in order of frequency: "infanticide, abortion, parricide, woundings against elders, murder, assault and battery, manslaughter." He offers the following explanation:

> As to infanticide, not only does a woman have more opportunities to commit it than a man, but she is in some ways often pushed into it by hardship and almost always by the desire to hide a mistake and escape the shame and contempt of society, which spares the man more in similar circumstances. It is not the same for other crimes which have for their aim to bring about the destruction of her fellow creature. It does not appear that it is their gravity which stops women the most since, in the series we have indicated, parricides and woundings against elders precede murder which itself precedes manslaughter in the same way as assault and battery in general. Neither is it weakness only, for then the relationship for parricide and woundings against elders ought to be the same for manslaughter and woundings against strangers. These differences are especially related to the habits and the more sedentary life of women. She can only conceive and execute culpable projects against individuals with which she is most in relation. Thus, compared to man, she will murder in the midst of her family more than on the outside; and, in society, she will commit murder sooner than manslaughter which often rises from the midst of excess in drinking and quarrels to which women are less exposed.[9]

Quetelet similarly considers the range of thefts committed by women, from domestic thefts, through thefts in general, to highway thefts; and he remarks that the predominance of the first type and the infrequency of the last could be accounted for by the more retiring social role of women and their relative lack of "strength and audacity." Likewise, the smaller propensity for crimes of fraud and falsehood he attributes to women's "remoteness from business affairs."

Finally, Quetelet deals with what he considers to be the most significant correlate of crime, that which gave the title to his book: age.

> Among all the causes which have an influence for the developing or halting of the propensity for crime, the most vigorous is without contradiction age. It is, in fact, with age that man's physical strength and passions develop and that their energy afterwards diminishes. It is also with age that reason develops which still continues to grow when strength and passions have already exceeded their maximum intensity. In considering only these three elements, strength, passion, and reason in man, it could be said almost *a priori* what must be the degrees of the propensity for crime at different ages. This propensity must be practically nil at both extremes of life since, on the one hand, strength and passions, those two powerful instruments of crime, have scarcely been born, and when, on the other hand, their energy (pretty nearly extinguished) is found weakened by the influence of reason. The propensity for crime, on the contrary, must be at its *maximum* at the age where the strength and passions have attained their *maximum*, and where reason has not acquired sufficient command to dominate their combined influence. In

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[8] Ibid., pp. 43-44

[9] Ibid., pp. 57-58

> considering, then, only physical causes, the propensity for crime at different ages would depend especially on the three qualities of which we have just spoken, and would be determined by them if they were sufficiently understood.[10]

Quetelet finds that the general propensity for crime reaches its maximum at around age 25 (or a little later for women, around age 30). He notes that at age 25 physical development has reached its peak but that the development of intellectual and moral qualities has not kept pace. Thus, although crimes against property begin earlier, age 25 tends to be the point of greatest propensity for crimes generally and for crimes against the person in particular. This, he concludes, is because passions and strength are at their height at that age, while not yet being tempered by reason and morality.

It is clear that Quetelet believes that age shows the most constant relationship to the propensity for crime, and history probably confirms this — at least with those types of crime having sufficiently high visibility to be regularly recorded in official statistics. Even the shape of the curve Quetelet constructed to demonstrate graphically the relationship between age and crime can be seen repeated over and over again with modern data — its shape changing only slightly to suit the age variation among types of offenses.

Conclusion

Quetelet emphasizes throughout his work that his conclusions apply only to human groups, not to individual human beings. No individual is ever determined to be a criminal. But within societies, unless the conditions which give rise to the propensity for crime change, Quetelet is convinced that a predictable number of crimes is inevitable.

> So, as I have had occasion to repeat several times before, one passes from one year to the other with the sad perspective of seeing the same crimes reproduced in the same order and bringing with them the same penalties in the same proportions. Sad condition of the human species! The share of prisons, chains, and the scaffold appears fixed for it with as much probability as the revenues of the state. ... It is a budget which one pays with frightening regularity; it is the one of prisons, hulks and scaffolds; it is that one above all which it would be necessary to strive to reduce![11]

One may, of course, argue the specific conclusions of Quetelet's work on crime, and perhaps even some of his findings. What seems clear, however, is that early in the 19th century we see in his writings the firm beginning of an empirical approach to the study of crime as a sociological phenomenon, an approach which seeks for testable generalizations about data and which is concerned with the use of present findings to predict future events.

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[10] Ibid., pp. 63-64

[11] Ibid., pp. 80-81

Behavioral Objectives in Probation and Parole: A New Approach to Staff Accountability

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As a consequence of diminished resources and increased caseloads, probation and parole agencies are experiencing significant crises. At least four factors will impact the quality of future programs and delivery systems of services: (1) appropriateness of agency-based goals and objectives; (2) managerial effectiveness; (3) commitments to old dogmas and philosophies of services; (4) and staff accountability at all levels within the hierarchy.

It is axiomatic that a formal organization needs not only a mission, but a set of explicit goals and objectives to provide direction. This direction, in turn, is translated into a programmatic thrust that is understandable, appropriate, and responsive to service-oriented mandates. These goals and objectives cannot be mere slogans, such as "rehabilitation of clients," "protection of society," or "reduction in recidivism." These are meaningless statements, cannot be measured, and provide no assistance to organizational incumbents seeking appropriate processes for the implementation of the agency's mission. In fact, they may even be dysfunctional as they legitimate entrepreneurial behavior, encourage worker deception, and reduce the likelihood of offering meaningful services to clients.

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*The author is indebted to Professor Todd Clear of Rutgers University for his contributions to the development of the concept and role of behavioral objectives in the probation and parole setting. Many of his ideas have been helpful in formulating this article.

The use of such slogans may be acceptable for public consumption and may reflect what is sometimes called the "art of imprecision."[1] That is, while most managers have explicit goals and objectives in mind, some managers are effective because they are unwilling to commit themselves publicly to something which is very specific. To do so would constrain the agency when it needs to be flexible in the face of both internal as well as external pressures. However, it is the effective manager who, nonetheless, expresses explicit goals and objectives within the organization, and sets both the direction and strategy for implementation in clear, understandable, and feasible language. This results in a clear mandate to all workers, regardless of position, of their precise roles, responsibilities, and duties.

If a formal organization can be defined as a social system of people in interaction in goal-directed behavior, then it is the manager's responsibility to shepherd the agency toward a successful path. He ensures that appropriate resources are developed and deployed, plans strategies for their utilization, and demands goal attainment from all subordinates. The degree to which this manager also manifests leadership in the process may be important, but this is not crucial for satisfactory organizational performance. However, the manager must maintain a systemic view of the organization so that all aspects of the agency, including its human resources and its actual programs and services, work in concert insofar as goal-directed efforts are concerned. An agency may not be successful in reaching its stated goals and objectives, but the manager has an obligation to try to achieve them. This also means that the manager not only plans, directs, controls, and programs, seeking as effective an organization as resources will permit, he also must evaluate personnel and programs in order to assess the extent to which the goals and objectives have been met and the mission of the organization fulfilled.

Although the contemporary correctional manager is perceived as somewhat more progressive and innovative[2] than his predecessors were,[3] evidence exists that many remain committed to old dogmas and philosophies of service. Probation and parole programs remain essentially the same today as they were over 100 years ago. Spurred by Mary Richmond's *Social Diagnosis* in 1917,[4] the casework approach in dealing with offenders continues to serve as the foundation for most clinical work in the field. This medical model has as its premise the notion that most offenders are "sick" and in need of "cure." As a consequence, agencies and their incumbents have sought ways and means to improve on the treatment (rehabilitation) aspects of their work. Notwithstanding the innumerable findings that rehabilitation has not proved effective in controlling or preventing crime and delinquency, probation and parole agencies have consistently remained committed to finding the ideal means to effectuate changes in offenders through clinically oriented processes.

Agencies have also remained committed to finding ideal processes for providing actual services; i.e., how to maximize the talents and skills of workers in providing what is assumed to be client needs. Therefore, treatment strategies generally remain high in priority to correctional managers, even though they have failed to correct, been costly, and wasteful of scarce resources. Many probation and parole agencies still try to be all things to all people at all times. They deal with problems of clients that have little or no bearing on criminal behavior and attempt to develop inhouse expertise in areas for which incumbents have had no formal training. It is no wonder, then, that corrections and its managers have been described as failures.[5]

It is the fourth area of concern, namely staff accountability, that may help to change the world of corrections. Historically and traditionally, the failure to correct clients has not been laid at the doorstep of correctional agencies, even though they are the ones who receive the final blame. Instead, it is the client who has been called intractable, unwilling to help himself, uncooperative, unchangeable, and one who figuratively has given corrections a "bad" name. Only recently has there been an effort to analyze organizational policies and worker decisionmaking in an effort to determine agency procedures that impact client success.[6]

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[1] Frank T. Paine and William Naumes, *Organizational Strategy and Policy*, 3rd ed. Chicago: Dryden Press, 1982:31.

[2] Alvin W. Cohn, "Management and the Criminal Justice Nonsystem: A Descriptive Study of the Nebraska Manager," unpublished paper presented at the Nebraska Crime Symposium, Lincoln, June 1982.

[3] E. K. Nelson, Jr. and C. H. Lovell, *Developing Correctional Administrators*, Washington, D.C.: Joint Commission on Correctional Manpower and Training, 1970; and Alvin W. Cohn, "Decision-Making in the Administration of Probation Services: A Descriptive Study of the Probation Manager," unpublished doctoral dissertation, Berkeley: University of California, 1973.

[4] Mary Richmond, *Social Diagnosis*, New York: Russell Sage Foundation, 1917.

[5] Alvin W. Cohn, "The Failure of Correctional Management," *Crime and Delinquency* 19(1973):323-331; "The Failure of Correctional Management—Revisited," *Federal Probation* 43(1979): 10-18; and "The Failure of Correctional Management—Reconsidered," *Criminal Justice Review* 6(1981): 55-61.

Further observation also reveals that judges and parole boards are increasing the frequency with which they question workers about service delivery systems. That is, they are sometimes asking if different strategies of intervention, better use of community resources, and/or improved techniques by workers would have averted failure. In effect, progressively oriented superordinates are increasing their demands for higher levels of worker and agency accountability than was ever evident in the past.

Correctional agencies have always been accountable in one form or another. They are answerable to the general public. They are answerable to political superiors. They are answerable to funding agencies. Such accountability has impacted organizational success in terms of expanded resources and sometimes even acceptability in the political community. Agencies and their managers frequently survive if "the lid is kept on" and "the boat is not rocked." This kind and level of accountability, however, has not ensured higher levels of organizational success, namely that concerned with fulfilling service mandates.

If clients and communities do not receive the kinds of services and programs at levels which they should expect, who will complain? Who will demand greater levels of effectiveness? Who will insist on improvement? The answers obviously are not easily derived. Corrections has hidden behind the walls of the prison and the file cabinets of agencies for so long that few in the community really understand what the agencies are supposed to do. Therefore, complaints from clients fall on the ears of the hearing impaired; complaints from citizens are based almost exclusively on fear and ignorance; and the demands of reformists are perceived as meddlesome.

It is possible that greater concerns for and commitment to processes of worker accountability, at all levels within the hierarchy, can bring about some meaningful change in correctional practices. The initiation of accountability, however, must be based on several premises:

(1) The agency itself must have a set of meaningful and appropriate goals and objectives that reflect earnest efforts to fulfill expected and reasonable mandates derived from realistic public policies.

(2) Top management must be interested in and committed to evaluation processes that will answer the question: How well are we doing?

3) Utilization of and advocacy for needed community resources must receive high priority from top-level managers.

(4) Workers must be provided appropriate supervision to ensure high levels of productivity and adherence to declared policies and procedures of the agency.

(5) The old dogma of trying to treat, rehabilitate, or change the total life systems of *all* clients must be abandoned and in its place must be a policy of intervention strategies designed to deal exclusively and only with criminogenic factors, i.e., only those forces which seem to propel the client into delinquent behaviors.

(6) Agency management must be willing to set reasonable standards of performance for both staff and clients: expectations of behavior that can be monitored as well as assessed. Failure to respond to minimal levels of performance should result in strong measures of discipline for staff as well as clients.

The development of a means to hold workers (and clients) accountable can be achieved if the above premises are recognized and implemented and if a *process* for creating behavioral objectives in each case situation is developed. It will be through the process of objective development and implementation that effective services can be delivered, workers and clients will know precisely what performance is expected of them, and assessments can be made of the degree to which agencies can attain their own goals and objectives. With such measurable success, it may be possible to reverse the image now held of correctional agencies that they are impotent, incompetent, and a failure.

Risk and Needs Assessments

In recent years, many probation and parole agencies have utilized risk assessment devices to determine on a scientific basis the likelihood of client success. Based on selected factors, validation studies have suggested that it is possible to develop base expectancy tables and determine, as a consequence, the level of supervision indicated in a particular case situation. It remains to be tested whether this process will have any real impact on success rates (however they may be defined), but, at least, it demonstrates a willingness on the part of the agency to approach delivery systems of services from a more empirical than intuitive base. Nonetheless, the process looks at behaviors and client demographic characteristics and helps to determine how the agency (and worker) should deal with a client. It also helps to determine the nature of the intervention strategy; i.e., level of worker involvement.

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[6] Clarence Schrag, *Crime and Justice: American Style*, Rockville: National Institute of Mental Health, Center for Studies of Crime and Delinquency, 1971; J.P. Reed and C.E. King, "Factors in the Decision-Making of North Carolina Probation Officers," *Journal of Research in Crime and Delinquency* 3(1966): 120-126; Paul Takagi, "The Effect of Parole Agents' Judgments on Recidivism Rates," *Psychiatry* 32(1969): 192-199; and A. W. Cohn, op. cit., supra note 5.

Needs assessments have also become valuable tools in planning for client services. Although generally more subjective than risk screening devices, they, nonetheless, attempt to go beyond the presentence investigation report and prerelease plan by identifying those factors which appear to be most relevant in the offender's life, particularly those which appear to have criminogenic impact. One of the shortcomings of needs assessment instruments, however, is that they reflect total client concerns and problems. Therefore, workers are not always sensitive to the sense of priority in selecting those needs only which seem to be related to criminal behavior. Consequently, needs assessments tend to serve as legitimation for total intrusion in the offender's life, regardless of the nature of the problem. They legitimate the worker's role as a treator, rather than, at times, being only a facilitator or broker (vis-a-vis Community Resources Management Team) to ensure that services are provided, but by external agents.

The needs assessment can be a valuable tool in the hands of a competent worker. Even if it is completed subjectively or intuitively, it can provide important data and information about areas of appropriate concern for agency-based interventions. As indicated above, it can also provide the needed information to make proper referrals to community-based agencies. Aggregated data about client needs, particularly those for which the correctional agency offers no direct services, can be useful in the advocacy process to ensure their development in the community. By engaging in such advocacy, the correctional manager not only ensures that clients receive needed services, linkages between corrections and the community can be forged. Boundary agencies can be strengthened and greater systemic efforts to control, prevent, and otherwise deal with crime and delinquency can be enhanced. Advocacy in the community can also help to ensure that the correctional agency is not alone in its responsibility to secure the needed resources to provide clients with needed services.

Steps En Route to Objectives

There is a number of steps which must be followed en route to the development of behavioral objectives for the offender. It is important that the officer review the entire case file, the results of client and collateral interviews/contacts, and any other available materials (e.g., psychiatric reports, prior record, police information, etc.) to determine as adequately as possible the basic needs of the client. Once these needs are enumerated, they should be scrutinized to determine their strength (i.e., how much of an impact the need has on the client, especially regarding causation of crime), as well as their alterability (i.e., if addressed, the likelihood of helping the client refrain from further criminal behavior).

The supervising officer will also have to set the needs in some sense of priority (i.e., the most influential needs as they may be related to criminal behavior), and determine what resources will be needed to deal with the expressed need. These resources may be within the agency or in the community. The availability and quality of the resources will have to be assessed, also. This is a crucial step, for if vocational training is needed, as an example, but the services in this area in the community are poor and the agency is unable to provide competent assistance, the need, although of a high priority, might have to be relegated to a lesser position of importance: There is no point in trying to resolve a problem if the resources needed to do so simply are not available.

Building reality-based objectives is the very thread from which the behavioral cloth is woven. The resource threads must be of high quality, or the fabric will be poor, uneven, and certainly not durable. Utilizing poor resources, whether they are within or without the agency, will only perpetuate the kinds of failures in dealing with offenders that has permeated corrections for decades. (The relationship of needs, resources, and objectives to each other is depicted in Illustration II.)

Once the above needs are identified and categorized, it is important to create a set of behavioral objectives, developed by both the worker and client, and which deal with issues, problems, and needs as they may reflect mutually agreed-upon priorities and assessments of required resources. The offender must be helped to understand the supervising officer's evaluation of the various needs as they relate to both prior and projected criminal behaviors. The client must also be apprised of the limits of the agency in serving his or her needs, as well as any limitations that may exist insofar as needed community resources are concerned. Thus, the "limiting process" needs to be initiated which will clear the way for the development of reality-based behavioral objectives. The objectives, then, become expected supervision outcomes which, at the outset, appear to be achievable. Further, they articulate the areas of the offender's life which will receive the most attention—areas which are thought to be changeable and which are related to criminal behavior.

The need for identifying intended outcomes of supervision at the initial stages of supervision stems, in part, from the very nature of the officer-client relationship. The supervising officer needs to make visible the level and extent of the intrusiveness of supervisory direction. In doing so, the officer, in collaboration with the offender, identifies intended outcomes by using measurable criteria of change (such as actual behaviors) rather than less tangible offender changes (such as attitudes). Through this process, linkages between the supervision plan, the offender's real behavior, and the crime-related dynamics of the case are made explicit. Hidden agendas and absolute discretionary behavior on the officer are thereby limited, which may even help to build the kind of trust most officers attempt to develop with their clients.

Additionally, the setting of objectives which are behaviorally anchored assist the supervising officer in setting limits of involvement in the case. It helps to establish and maintain a sense of order and the priority areas which must and should be dealt with in the case situation. It helps to preclude the officer's attempt (even desire) to be all things to all people at all times. It helps to be more precise in developing change strategies, it helps to assure accountability, and it helps to facilitate not only the measurement of outcomes, but the assessment of performance as well.

Writing Behavioral Objectives

An objective is a statement of intent that is specific enough to tell you "how to recognize it when you see it." It is a specific statement about intended outcomes that allows someone to know what exact change is expected at some definite time in the future. (Short-range and long-range objectives differ only in terms of time frames.) If an objective is behaviorally anchored, it deals with some kind of visible performance. It cannot be an abstraction or hypothetical construct (such as a state of happiness, or satisfied); it must be related to a specific behavior or activity that is assessable (such as employed, going to school, or paying restitution).

Once agreement is reached on the outcomes expected in the case situation, the task of writing meaningful objectives must be undertaken. Therefore, writing them in a manner that facilitates their being effective tools in dealing with the client is crucial. Therefore, they must be understandable, deal with only one outcome for each objective, be attainable according to resources available, and clear in terms of expectation. The objective deals only with the desired outcome; it does not describe the process for achieving it.

There are several guidelines available in learning to write objectives:

(1) It should start with the word "to" followed by an action verb (e.g., To complete the XYZ auto mechanics course offered by Company A by November 1984.).

(2) It specifies a single outcome to be accomplished.

(3) It specifies a target date for completion.

(4) It specifies only the "what"; it does not deal with the "why" and "how."

(5) It relates to a behavior of the client or the worker (e.g., To make an appointment for Client X within the next 2 weeks for an intake interview at ABC Mental Health Clinic; To present yourself within the next 2 weeks at ABC Mental Health clinic for an intake interview.).

(6) It is readily understandable by those who will be contributing to its attainment.

(7) It is realistic and attainable, based on skills and sources, but still represents a challenge.

(8) It is consistent with the resources available or anticipated.

(9) It is consistent with agency policies and procedures.

(10) It is agreed to by both worker and client, and approved by a supervisor.

(11) It is recorded in writing, with copies available to the client, worker, and case file.

(12) It is periodically assessed to determine progress; it is changeable if needs, resources, or the case situation demands such.

It may be necessary to develop a series of objectives, all related to a final outcome that cannot be attained until sometime in the future. If a client has a drug problem, for example, it may be an inappropriate objective to expect total cure immediately. Therefore, the first objective may be related to visiting a drug rehabilitation program, followed by an appointment for an intake interview, which will be followed by an objective dealing with a certain kind of therapeutic program involvement, etc. All of the guidelines previously enumerated would still apply; only the date for the final outcome contained in total abstinence (being drug free) would be postponed until it is appropriate to write such an objective.

It is imperative that objectives be written in such a way that they can be measured. Such assessments not only reveal client progress, they help to build worker accountability into worker performance. In reviewing sets of objectives for a given case, it is the supervisor's responsibility to determine the appropriateness of the objectives and the degree to which the worker is following through with behaviors needed on his or her part to accomplish them. It is possible, then, in performance evaluations, to determine actual percentages of success rates for each supervising officer. The objectives, when reviewed in the aggregate, can also help administrators determine the nature, kind, and quantity of resources needed (internal and external) for client success; assist in planning for the agency; and provide data for staff training.

Reference to *behaviorally* anchored objectives has a special significance in the area of corrections. This is due to the fact that objectives must have visibility if they are indeed to be appropriate and measurable. Therefore, use of such terms as "understand" and "appreciate," as examples, are not generally explicit enough to be useful ". . .until it indicates how you intend to sample the 'understanding' and 'appreciating.'"[8] Therefore, until actual behaviors that are involved in "understand" and "appreciate" are described, one has not anchored objectives in behavioral terms (i.e., How will I know it when I see it?). From another perspective, the use of such ambiguous terms does not reflect an expected outcome; instead such words may reflect no more than the "how's," rather than the "what's."

Mager[9] suggests that there are three components to a meaningful objective:

Behavior, which refers to any visible activity displayed by a learner (client).

Terminal Behavior, which refers to the behavior you would like your learner to be able to demonstrate at some specific time in the future (outcome).

Criterion, which is a standard or test by which terminal behavior is evaluated. Thus, it is important for a supervising officer to identify, first, the actual *terminal behavior* or outcome desired; second, to define further the desired behavior by describing the important *conditions* under which the *behavior* will be expected to occur; and, third, to specify the *criteria* of acceptable performance by describing how well the client must perform to be considered acceptable.

An example would be the following:

> Given a list of five potential employers (CONDITION), the client must make appointments for job interviews (TERMINAL BEHAVIOR) with at least three employers within the next 3 weeks (CRITERIA).

If the objective is written in *true* form, that is, beginning with the word "to," it would read as follows:

> To make appointments for job interviews with at least three employers within the next 3 weeks from a list of five potential employers.

Whether or not all objectives must be as precise as the above illustration may be questionable, since, as Professor Todd Clear points out, the nature of client behaviors may not always lend themselves to the kind of precision that one could write in the classroom laboratory. It may make little sense, for example, to try to include "conditions" and a "criterion" for the objective "to discontinue use of heroin within the next 2 months." On the other hand, "absent an excuse accepted by the supervising officer, the client will not be more than 15 minutes late for any office visit" includes all three of Mager's components of objectives and may be a useful objective in an attempt to change client behavior (i.e., teach responsibility), even though the objective is not written in *true* form.

If all components cannot be explicated, every objective must, at least, include the expected (behavioral) outcome; that is, something must be measured at some specific time in the future.

Overloading Cases With Objectives

A case should not be overloaded with behavioral objectives. Much, of course, depends on the nature of the case situation, the priorities of needs/problems, available resources, and the level of effort that will be required by the client to attain the agreed-upon objective(s). Further, if the worker is going to be held accountable for assuring success in the case, overloading can lead to a disastrous performance appraisal and failure on the part of the client. The converse is also true, namely, the underloading of objectives. To avoid risk on the part of the worker is something the

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[7] G. L. Morrisey, *Management by Objectives*, Reading: Addison-Wesley, 1970:52-62.
[8] Robert F. Mager, *Preparing Instructional Objectives*, Palo Alto: Fearon, 1962:11.
[9] Ibid., p.1.

supervisor should monitor. Adding objectives that are appropriate as the case progresses may be desirable. Certainly, this should be a consideration as the client responds successfully, yet has unmet needs which impact criminal behaviors.

It is important to note that the court or parole board may set objectives in the case which the client and the worker must accept. Since neither probably will be mindful of the importance of setting these objectives in measurable and behavioral terms, it is imperative that the supervising officer translate these expectations into behaviorally anchored terms. Further, it is important that both the client and worker respect the level of priority this kind of objective has. Consequently, as an example, if the court orders the client "to pay restitution to the victim," it may have to be translated into: "To pay restitution to victim X of at least $10 per week until the amount of $450 is paid."

Resource Assessments

If a risk screening device is utilized in the agency and the client assigned to a level of supervision, a needs assessment completed and set into priorities, and the critical (initial) objectives set, the final step in the preparation of the intervention strategy is to list and assess the resources that will be needed to achieve each of the important behavioral objectives. Specific resources are listed rather than general functions or activities because the intent later will be to evaluate the utility of those resources for assisting in meeting objectives.

Therefore, titles such as XYZ Mental Health Clinic would be used instead of the general description of "individual counseling." Matching resources with specific objectives also assists the supervising officer in determining whether or not a proposed objective can be met. For example, if intensive psychotherapy is indicated and of high priority, but such a resource is unavailable, an alternative resource will have to be selected, or the objective, unfortunately, will have to be scrapped. "Supportive counseling by the officer" may be the best resource available. Here, of course, the officer will have to use good judgment in making determinations.

However, a number of variants in identifying resources can be used. For example, it may be the case that more than one resource will be related to an objective. If so, then a "primary" and "secondary" resource can be listed. Conversely, the same resource may be intended to achieve several objectives.

Frequently, the officer (or general supervision process) will be the major means for achieving an objective. In such a case, the officer can specify the resource as "individual counseling by the officer," as indicated above. Whether the resource is internal or external, it is helpful to have a subjective rating of the perceived quality of the resource for achieving the specific objective. The officer may rate the resource as excellent, good, fair, or poor in quality. However, it must be recognized that such a rating may not reflect the overall quality of the resource itself, but the applicability to the given client or to the objective itself. Thus, the supervising officer may believe that the resource (including his or her own skills) is generaly of high quality, but it is unfortunately ill-suited to meet a particularly difficult, complicated, or infrequent objective in certain kinds of cases.

Supervision Tools

After the diagnostic and planning instruments have been completed, including the objectives, they remain to be used as tools for supervision. As tools, reference should be made to them frequently as guides in conducting and evaluating supervision activity, which should be viewed as an ongoing process. Two methods can be used to help ensure that the basic plan is dynamic and meaningful.

The first is to include a narrative summary, which is the most common method of recording case observations, contacts, and other pertinent chronological data about supervision. Such a record, of course, must contain the actual objectives.

The second method is to use a progress report, which is simply a regular (perhaps monthly or quarterly) evaluation of the offender's performance on the achievement of objectives. The objectives can be evaluated as "achieved," "good progress," "fair progress," "poor progress," "no longer applicable" (based on changes in the life situation of the client, changes in resources, and/or the replacement of the objective by one of higher priority.

The evaluation of objectives should coincide with the regular review of the risk screening device, changes in levels of supervision, and with any other instruments that are reviewed periodically. Even if a client's level of supervision is not changed, it may be time to reassess priorities and objectives as new problem areas are discussed and identified. This, in effect, helps the supervising officer to determine what, if any, changes are indicated in the case situation and how the client should be supervised during the next specified period of time while under supervision.

Workers should not hesitate changing objectives, as long as they can be documented to be useful and appropriate for supervision purposes. As new resources are created or old ones lose their potency, objectives should be reviewed to determine how they will be met. Policy and procedure changes within the agency must also be reviewed to determine the degree to which case objectives fall neatly into proper and legal place. Further, if a client is uncooperative, it may be necessary to change objectives in order to facilitate greater surveillance and monitoring of the client's behavior.

Thus, it is the evaluation of the case and its objectives that completes the information loop and provides the basis for feedback on supervision effectiveness: What objectives tend to be achieved? What objectives seem to have the greatest impact on reducing criminal behavior? What resources are needed (internal and external) to assist workers in helping clients achieve success with their objectives? What does top-level management need to do to assist line staff in accomplishing their mission? How can clients be helped to achieve early termination? What training may be needed to help workers do their jobs more effectively? How might caseloads be arranged to facilitate the achievement of objectives insofar as worker performance is concerned?

Accountability and Performance Appraisal

It should be obvious from the above that behavioral objectives for clients can have a dramatic impact on agency goal attainment, especially if they are clear, appropriate, and responsive to community and client needs and demands. The role of the worker, especially at the line level, is crucial to an agency's achieving even a modicum of success. In the past unfortunately, workers not only have been asked to do too much, they have attempted to do too much for and with clients on their own initiative.

The setting of behavioral objectives in each case situation can help to avert this practice, since the process tends to delimit worker interventions. Further, if workers adhere to a policy of setting into priority only those needs and problems which are related to criminal behavior, allowing outside resources to deal with other issues, it may be possible to improve the quality of probation and parole services. While this might appear to be limiting actual services and programs, the reality is that only appropriate services would be rendered and then, in measurable ways.

Workers want to be evaluated in terms of their performance, but they tend not to want to be held accountable for specific activities. Using behavioral objectives deals with this issue, for the process demands that the worker indicate precisely what he or she hopes to accomplish (outcomes) in each case. Assuming that the agency provides the necessary resources to accomplish such activities, a team is developed to meet client needs: the agency, the worker, the client, and (sometimes) the community. Each has a role to play, each has specific responsibilities, and each can be evaluated in terms of productivity.

There is a role for the supervisor to play and it is an important one. It is this person who must monitor and assess worker and client progress. It is the supervisor who must determine not only the appropriateness of the various case objectives, but the worker's assessment of the resources needed to bring about success. Instead of using subjective means for performance appraisal, then, the supervisor has something to measure: the actual success in attaining objectives, as well as the antecedent setting of them.

Accountability in probation and parole has been long in coming. No one has really cared that much about the quality of services and programs, unless the agencies (or their superordinates) were under attack. Through behavioral objectives and their meaningful implementation, it will be possible for an agency to measure its performance. It will be possible to demonstrate that success is not that elusive or mystical. It will be possible to show manifestly that probation and parole have control over their workloads and use internal as well as external resources wisely, prudently, and successfully.

ILLUSTRATION I

EXAMPLE OF COMMON ERRORS IN WRITING OBJECTIVES*

INCORRECT EXAMPLE	CORRECTED EXAMPLE
NON-BEHAVIORAL:	**BEHAVIORAL:**
1. To improve relationship with father	1. To stop fighting with father
2. To develop self-control	2. To be at home by 10:00 pm on weekdays
3. To accept responsibility for behavior	3. To earn money to pay neighbor for broken window within 3 months
NON-CLIENT-RELATED:	**CLIENT-RELATED**
1. To get probationer to stop stealing from mother	1. To stop stealing from mother immediately
2. To help probationer stay in school (not get expelled)	2. To stay in school (not get expelled) for remainder of term
3. To motivate probationer to discuss problems with parents	3. To discuss problems with parents
NON-SPECIFIC:	**MORE SPECIFIC:**
1. To go to school	1. To attend school regularly with no unexcused absences each month
2. To stop fighting	2. To go one month in school without fighting with peers
3. To improve school performance	3. To receive no grades below "C" this term
COMBINATIONS:	**CORRECTED:**
1. To get probationer to develop inner controls	1. To stop stealing from neighborhood stores
2. To relate better to probation officer	2. To discuss daily activities openly with probation officer when asked
3. To have probationer attend mental health clinic	3. To make and attend regular appointments at the mental health clinic until diagnosis is completed

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*The reader should note that all objectives are written in proper or true form, especially since they are not complete, do not have times and places indicated, and do not always answer the "what" and "who." Space limitations preclude each being written as appropriately as possible.

ILLUSTRATION II

CASE SUMMARY[*]
NEEDS, OBJECTIVES, AND RESOURCES

CLIENT____________________ WORKER____________________

DISTRICT____________________ DATE__________ SUPERVISOR____________________

NEED	OBJECTIVE	IMPORTANCE OF OBJECTIVE	RESOURCE	RATING OF RESOURCE
1. Employment	—To obtain full-time employment within month	Critical	—State Unemployment Service	Poor
	To obtain at least 1 job interview per week until employment obtained	Critical	—Private employers	Good
2. Education	—To attend adult education classes 2 nights per week in chosen area	Somewhat Important	—Night High School	Excellent
3. Parental Relationships	—To move out of parent's home within 6 weeks at site approved by PO	Very Important	—PO Counseling —Jones Realty	Good
4. Alcoholism	—To consume no more than 2 beers per night and 6 on weekend nights	Important	—PO Counseling	Good
5. Peer Relationships	—To cease association with co-defendant within 3 weeks	Critical	—PO Counseling	Good
	—To join a social club at church within 2 weeks	Critical	—Rev. Smith	Excellent

RISK SCREENING RE-ASSESSMENT COMPLETED____________________ Date__________

LEVEL OF SUPERVISION____________________

CHANGES IN OBJECTIVES____________________

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DISTRICT SUPERVISOR APPROVAL____________________ Date__________

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[*] Each objective is not written according to proper or true form. They are used illustratively to make conceptual and procedural points. The instrument itself should be revised to meet agency policies and procedures.

The Use of "Third Sector" Organizations as Vehicles for Community Service Under a Condition of Probation

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CALIFORNIA'S Proposition 13 created a climate of consternation about actual and proposed cutbacks in public revenues, particularly in terms of the damaging effects of taxpayer revolt on criminal justice agencies and custodial facilities. Proposition 13 was followed by passage of a new determinate sentencing law causing prisoners to serve terms of fixed duration and reducing the amount of parole services upon release. At the same time these fiscal restrictions and economics drastically reduced funds for prison alternatives. Without regard to these factors, however, the California State Legislature every year since Proposition 13 passed has enacted new laws that have increased the number of prison terms or extended their duration. The result is that the State is, at an accelerating rate, imprisoning more people, for longer periods, in increasingly inadequate institutions.

On the national scene, since the announcements and budget proposals for significant cuts in the rate of Federal spending, both public and voluntary organizations have been concerned with the need to clarify the implications and to gauge their ability or inability to compensate for the cuts. A recent study by the Urban Institute[1] estimates that the proposed Federal budgets would make direct cuts in income to voluntary organizations of $4.767 billion in fiscal 1982, $9.802 billion in 1983, and $12.677 billion in 1984, for a total of $27.3 billion. Even so, this total is only approximately one-fifth of the grand total when proposed cuts in Federal governmental services are included. Since state and local governments are also cutting funds going to voluntary organizations to perform pubic services, the direct cutbacks to voluntary organizations are likely to be considerably higher. The problems of voluntary organizations will be further compounded by an almost certain increase in expectations for service and an anticipated decrease in their personal, corporate or foundation donations and grants.

The significance of these awesome external forces is not lost on correctional administrators. Traditional budgets for community probation or parole services have *not* included sums for income assistance, social services, education or health; rather, staff members are told to "use the local network." In addition, the curtailment of government expenditures also has assaulted basic probation and parole services, with reductions in staff commonplace and with higher caseloads the inevitable consequence. Correctional managers today are faced with growing uncertainties about their traditional roles and services yet they must operate in an environment where fewer staff members must be increasingly accountable and "efficient." The great challenge to the correctional administrator is to find and use those old or new organizational, administrative or programmatic strategies which will get the job done at the lowest possible cost, and with maximum efficiency and effectiveness.

It is the purpose of this article to present a descriptive overview of the development and implementation of two new strategies by the U.S. Probation Office for the United States Court, Central District of California, Los Angeles. Before the presentation, however, it appears useful to develop perspective and context by reviewing the characteristics of the environment in which they were developed. Accordingly, the next section will review "third sector" and public benefit organizations. The section following that will deal with community service by offenders and will identify elements of social reparations administered as conditions of probation. The two new strategies will then be presented, followed by a section on probation and community advocacy. A brief section on implications for policy will conclude the article.

Third Sector and Public Benefit Organizations

According to Ginzberg and Vojta, a review of the structural transformation of our domestic economy during the past 50 years shows a five-fold growth in the United States gross national product, expressed in constant dollars of purchasing power. The actual dollar change without allowance for inflation was from $100 billion in 1929 to $2,400 billion in 1980.

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[1] Salamon, Lester M. and Alan J. Abramson, "The Federal Government and the Non-Profit Sector: Implications of the Reagan Budget Proposals." Washington, D.C.: The Urban Institute, May 1981).

> The profound changes in the structure of the economy that accompanied this growth are reflected in the distribution of the labor force and the gross national product. The data show that the provision of services has displaced the production of goods as the country's principal economic activity. Since much of this service activity is conducted by the Government and by private non-profit institutions, a vast not-for-profit sector, encompassing Government and non-profit institutions, has emerged.[2]

These authors further suggest that the actual dimensions of the Government sector can be comprehended only by counting the people employed on the public payroll *plus* the people in the private as well as the not-for-profit sector who are employed because of Government purchases from or grants to private and non-profit enterprises.

> When the contribution of the private non-profit sector is added to that of Government, the not-for-profit sector accounts for more than a third of the total employment and nearly a third of the gross national product.[3]

Our concern here is with the development and emergence of some of these organizations—particularly community corrections organizations—which are called "third sector" and which combine elements and resources from both Government and the private or not-for-profit sectors. While evidence of such combinations can be identified in our history going back more than 100 years (when Congress, for example, gave some 131 million acres of public lands plus substantial loan guarantees to the railroad industry), it is only since the depression years that the Government has undertaken to secure the institutionalization of certain presumptively desirable "quasi-public" services through the creation of public corporations, loan guarantees, direct subsidies, tax incentives, or "set aside" features in Government purchase contracts. Regardless of the form such activities take, the result is to protect or shield the operation from market risks, at least for a while, in the furtherance of public purposes.

A review of the literature relating to third sector organizations reveals that analysis of this phenomenon of such development has been neglected by public administration researchers, at least until the last decade.

Reviewers interested in attempts to define the third sector could learn from Theodore Levitt's book, *The Third Sector: New Tactics for a Responsive Society*,[4] and an article by Amitai Etzione "The Third Sector and Domestic Missions,"[5] both of which appeared in 1973. A more comprehensive summary was presented by Michael E. McGill and Leland M. Wooton as editors of "A Symposium on Management in the Third Sector"[6] in 1975. More recently, and perhaps of greater interest to Californians, the 1978 and 1979 State Legislature sessions created a new California Non-Profit Corporation Code, which became effective January 1, 1980.[7] A major section of this law defines "Non-Profit Public Benefit Corporations" as those formed for charitable or public purposes (except those organized primarily or exclusively for religious purposes, even though such corporations may also carry out charitable activities; and those organized as non-profit mutual benefit corporations).

Efforts to identify third sector agencies whose goals and programs focus on community corrections yielded a much smaller list than was expected. Descriptive information concerning such programs is sparse and of uneven quality. Evaluative material on programs is even more rare, being primarily descriptive and illustrative rather than analytical in nature. For the most part these fall into two broad program categories: (1) restitutions, including services which emphasize concerns about victims, and, (2) community service by offenders. This arbitrary classification will be expanded in the sections which follow:

Restitution, Reparation, and Community Service

One of the fastest growing developments in community corrections which has become increasingly evident—yet essentially undocumented—is the growing use by the courts of conditions of probation requiring the use of restitution, reparation and community service. These conditions cause probation services to develop increasing reliance on non-correctional resources as well as closer ties with community agencies and service groups. Further, the conditions seem to fit neatly into the "justice" model of dealing with some offenders and seem to suggest the ongoing concern of the courts that private sector offenders (white collar or corporate) be dealt with in a manner that will assure remedial (non-repetitive) action in recompense for offenses against the general public welfare.

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[2] Ginzberg, Eli and George J. Vojta, "The Service Sector of the U. S. Economy," March 1981, *Scientific American*, Vol. 244, No. 3, pp 48-55.

[3] Ibid., p. 51.

[4] Levitt, Theodore, *The Third Sector: New Tactics for a Responsive Society*, (New York: Amacom Press, 1973).

[5] Etzioni, Amitai, "The Third Sector and Domestic Missions," *Public Administration Review* (July/August 1973), pp 314-327.

[6] McGill, Michael E. and Leland M. Wooton, "A Symposium on Management in the Third Sector," *Public Administration Review* (Sept./Oct. 1975) pp 443-477.

[7] See R. Bradbury Clark, *An Introduction to the New California Non-Profit Corporation Law as Applied to Charitable Corporations* (San Francisco: United Way of California, August 1979), 65 pp.

For purposes of definition, restitution is that condition of probation which requires payment of damages or other action to "...make the victim whole" where an identifiable individual is present and the amount of damages to him may objectively be ascertained. A summary of the conceptual and legal basis may be reviewed in a symposium report developed by Galaway and Hudson.[8] The definition of restitution was agreed upon at the 1977 symposium meeting as ". . . a sanction imposed by an official of the criminal justice system requiring the offender to make a payment of money or service to either the direct or substitute crime victim."[9] Incidentally, this definition was regarded as broad enough to include programs involving community service requirements. Similarly, Bridges, et al., suggested that there was a growing interest in restitution because of the economics involved.[10] Either fines or restitution represent a lower cost to society than incarceration, since incarceration reduces the total economic output of society by excluding most of the labor output of the offender, and by extracting that degree of society's resources needed to establish and operate prisons. According to these authors, restitution is also seen as a method of achieving rehabilitation:

> ... restitution can provide a low cost, middle ground approach for corrections which can satisfy society's demands for punishment as well as the offender's needs for rehabilitation. This approach would also recognize and serve the badly neglected victims of crime, as well.[11]

In contrast to the references in the literature regarding restitution, citations which permit a definition of "reparation" are hard to locate. Although direct statutory authority exists in a number of jurisdictions, including Federal Probation law, clarification of legislative intent concerning the term is sparse. In addition, case law is similarly characterized by a paucity of trial court or appellate rulings. The Federal law permits one of five explicit conditions of probation to include "...payment of restitution or reparation," but does not draw a distinction between the two terms.[12] However, Federal trial courts are given discretion to impose other supplemental conditions of probation.

> . . .when satisfied that the ends of justice and the best interest of the public as well as the defendant will be served thereby, (may)...place the defendant on probation for such period and upon such terms as the court deems best.[13]

A review of the discretionary authority of Federal Courts in the fixing of probation conditions may be found in the analysis by Imlay and Glasheen, although this article is not particularly helpful in obtaining a clear definition of "reparation."[14] Another summary of out-of-ordinary conditions of probation does illustrate the use of the terms "*restitution*" and "*reparation*" as essentially synonymous as interpreted in an appellate case in the 10th Circuit in 1976. In the Clovis Retail Liquor Dealers Trade Association case the higher court overturned the trial judge's imposition of a condition that the dealers "pay certain sums as restitution and reparation" to a local council on alcoholism, on the basis that the Federal Probation Act makes "no provision for the payment of any community reparations."[15] The reviewing court pointed out that the restitution clause of that act specifically restricts the payment of restitution solely to "... aggrieved parties for actual damages or loss caused by the offense for which conviction was had."[16] This narrow construction, while applicable in the 10th Circuit, is currently being considered in a 9th Circuit case.[17] In any event, for purposes of definition in this article, probation reparations orders are those including conditions of probation imposed by a court requiring an offender (often a corporation or corporate officer) to make a payment of money or to provide a service, or both, to the benefit of the general community.

The definition and purposes of community service by offenders can be found in the literature beginning about the time of the Vietnam conflict when a number of Federal judges who granted probation to Selective Service Act violators mandated that they perform "volunteer" work at some eleemosynary or public institution.[18] In 1975 an Arizona Federal judge ordered five dairy executives convicted of price fixing "to serve the poor in charity dining halls in lieu of prison" and required their corporations "to contribute milk to charity in lieu of fines."[19] The performance of the gratis work was merely "suggested" by the trial court, not mandated by probation, since the judge deferred his final sentencing decision for 6 months with the admonition that the court would consider their charity work to be a mitigating circumstance at sentence time.

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[8] Galaway, Burt and Joe Hudson, eds., *Offender Restitution in Theory and Action* (Lexington, Mass., D.C. Heath & Co., 1978), 212 pp.

[9] Id., note 11, p.1.

[10] Bridges, James H., John D. Gandy, and James D. Jorgensen, "The Case for Creative Restitution in Corrections," *Federal Probation*, Vol. 43, No. 3, September 1979, pp 28-35.

[11] Bridges, op. cit., p. 29.

[12] 18 U.S.C. § 3651.

[13] Id.

[14] Imlay, Carl H. and Charles R. Glasheen, "See What Condition Your Conditions Are In," *Federal Probation*, June 1971.

[15] Jaffe, Harry J., "Probation With a Flair: A Look at Some Out-of-the Ordinary Conditions," *Federal Probation*, March 1979.

[16] 18 U.S.C. § 3651.

[17] *United States v. Union Pacific Railroad; Burlington, Northern, Inc., and Mitsubishi International Corporation.*

[18] Jaffe, op. cit., p. 34.

[19] Id.

Also in 1975 eight Federal judges in the Central District of California required several meat packing companies to pay sums of money, in addition to substantial fines or as remission to ordered fines, to establish a remedial vocational training and job placement program in meat cutting to be approved and conducted by the Probation Office. Several corporate officers or owners were also required to complete several hundred hours of community service in support of the training program. (Report of these cases and subsequent development is in the section of this article "In-dustry—Corrections—Interface.")

In December 1977 Chief Judge Bailey Brown set forth a number of reasons for his use of community service as a condition of probation.[20] He saw the advantages to include: a therapeutic effect on the offender "since this would make him atone for his misdeed in a concrete and constructive way"; needed valuable services would be received by the involved public and charitable agencies; the imposition of the requirement of work without pay would make probation more acceptable to the public in that the public would be more likely to feel that justice had been done; the probation officer would "have an additional handle" on the probationer through reports from the designated agency; and some additional persons could justifiably be placed on probation through the existence of such a program thereby avoiding the costs and other disadvantages of incarceration. Judge Brown obtained a memorandum legal opinion from the General Counsel of the Administrative Office of the United States Courts which concluded as follows:

(1) The imposition of a special condition of work without pay would not violate the constitutional or statutory rights of the probationer provided that the condition was reasonably related to the rehabilitation of the probationer and to the protection of the public and that the probationer had reasonable notice of what was expected of him;

(2) If such conditions were met, there would be no denial of substantive or procedural due process, no involuntary servitude, and no violation of minimum wage laws;

(3) Neither the Federal Government nor the judge imposing the condition of work without pay, nor the probation officer would be liable to a third party if the probationer should negligently cause injury while doing such work, nor would they be liable to the probationer for any injury he received while doing such work. (Whether the agency for which the probationer was working would be liable to such third parties or to the probationer would depend upon applicable State Law.)[21]

Again in the middle 1970's Judge Charles B. Renfrew, then U.S. District Judge in the Northern District of California, imposed sentences with innovative elements in cases of companies involved in the printing of paper labels and the packaging of merchandise.[22] The landmark case proceedings was perhaps the *United States* v. *Atlantic Richfield Company*, at least in terms of definition of corporate responsibility for chemical and oil pollution and the remedial action which led to the creation of a foundation and a partnership with the State to clean up Delaware Bay.[23] Subsequently, judges in a number of districts have, generally upon recommendations from their probation staff, fashioned probation sentences to fit a variety of white collar, corporation or corporate officer offenders to provide community service requirements of reasonableness and propriety.[24]

Taken together these instances of restitution, reparation, and community service clearly suggest that Federal courts have not regularly been restricted to the specific types of probation conditions enumerated in section 3651, 18 U.S.C. Moreover, the number of individual probation cases in the Federal system where community service is a condition of probation is now approximately 10 percent of the total caseload. In the Central District of California a recent survey identified 408 active cases where 248,681 hours of service had been ordered by 19 judges or magistrates.[25]

Readers will note that this presentation has not addressed the state or local approaches to community service, nor the many similar court referral, diversion, pretrial intervention or pretrial services programs. Those interested in such information, or in establishing such programs, may wish to review the publication *Community Service by Offenders* prepared by the National Council on Crime and Delinquency and published in 1979 pursuant to a contract with the American Bar Association's BASICS (Bar Association Support to Improve Correctional Services) Program.

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[20] Brown, Bailey, "Community Service as a Condition of Probation," *Federal Probation*, December 1977.

[21] Id., p. 7.

[22] See, e.g., Renfrew, "The Paper Label Sentences: An Evaluation," and Baker, "The Paper Label Sentences: Critiques," both in Vol. 86 of the Yale Law Journal, pages 590 and 619 (1977).

[23] *United States* v. *Atlantic Richfield Company*, 465 F. 2nd (7th Circuit, 1972).

[24] See, e.g., "White Collar Justice: A BNA Special Report on White Collar Crime," 44 U.S.L.W., pt. II at 10, (April 13, 1976); *United States* v. *White*, No. CR 74-496-CBR (N.D. Cal., Nov. 22, 1974); *United States* v. *Armand Antunes*, No. CR 76-1025-F (C.D. Cal., March 12, 1976); *United States* v. *Hendler*, et al., No. CR 75-146-RMT (C.D. Cal., Dec. 8, 1975); *United States* v. *White Stag Mfg. Co.*, No. CR 76-75-S (D.Or., Feb. 11, 1977); *United States* v. *Brownstein*, No. CR 79-16-RMT, (W.D. Wash., Dec. 10, 1980). See Also, "Structural Crime and Institutional Rehabilitation: A New Approach to Corporate Sentencing," 89 Yale L.J. 353 (1980); "Criminal Law—The Application of the Federal Probation Act to the Corporate Entity," 3 U. Balt. L. Rev. 294 (1974); "The Crime at the Top in Freshland," Fortune, January 29, 1979.

[25] Personal survey by the author, March 1, 1981.

The section following includes a historical and anecdotal presentation of the two strategies evolving in the United States Probation Office in Los Angeles to combine the actual and potential resources of restitution, reparation, and community service into two service delivery models currently viewed as "third sector" agencies.

SERVICE DELIVERY MODELS

The events and activities briefly chronicled here probably justify better historical development than this space allows. However, for the introduction of organizational and programmatic concepts, the presentation should suffice.

Industry—Corrections—Interface

In 1978 two of the United States probation officers who had much to do with the creation and development described ICI as a "new horizon for ex-offender employment." The description which follows is largely adapted from their paper.[26]

> ICI Projects was established November 3, 1975, as a charitable non-profit organization to assist the Probation Office of the United States District Court in various projects and endeavors designed to facilitate the rehabilitation of offenders. ICI is an abbreviation for Industry-Corrections-Interface which reflects the cooperation of industry and the community with the field of corrections in providing comprehensive, substantive services to offenders to assist them in achieving meaningful, law-abiding and productive lives.
>
> ICI Projects was initially established as a vehicle to implement innovative orders by various Judges in the United States District Court in the Central District of California, whereby local meat packers convicted of offering gratuities to USDA Graders were ordered to pay $104,000.00 in *reparation* to fund a vocational training program in meat cutting for offenders. During planning for the training project, it was discovered that the formation of a non-profit corporation was necessary for legal and liability reasons. Although ICI Projects was initially established solely as a vehicle to implement the training program in the meat industry, it soon became apparent that the existence of a separate non-profit corporation could provide direct services to offenders supervised by the Probation Office of the United States District Court which would be unavailable through agency resources.
>
> The implementation of the training program in the meat industry necessitated contacts with union leaders and officials of the United States Department of Agriculture. Generally, the training program was well received from all elements within the private sector, who also provided valuable assistance and cooperation.
>
> A commitment of probation staff was felt to be necessary in order to facilitate the corporation in its initial phases and to act as a liaison to the program and community. The assignment of probation staff allows for the interface of training and employment with casework in a setting where individual growth and common goals are emphasized.
>
> On November 17, 1975, ICI Projects launched a four-month pilot project as six Federal offenders began training in meat cutting. Trainees were carefully selected by the United States Probation Office for placement in the project which included intensive skills training and wholesale meat industry orientation, coupled with on-site counseling and casework by probation staff. A total of nine trainees were eventually selected by the United States Probation Office for placement in this pilot project. Referrals were solicited from United States Probation Officers and forms provided to allow them to list basic demographic data and summarize criminal history, employment background, and case problems. Upon receipt of referrals, probation case files were reviewed. In order to achieve and maintain stability in the training programs and to supply service to individuals who are most likely to take advantage of a career opportunity, the following exclusionary selection factors were used:
>
> 1. Recent or current substance abuse.
> 2. An established pattern of violence or hostile and aggressive behavior.
> 3. Pending criminal court proceedings.
> 4. Significant marketable skills in another trade.
>
> By the end of the pilot project, most trainees had gained sufficient ability and confidence to perform in a satisfactory manner in industry. Satisfactory to good proficiency and performance were achieved in the utilization of knives and tools, practical application of skills and techniques, together with work habits. Perhaps of more importance, trainees appeared to have gained sufficient confidence in their skills to display a high level of motivation to succeed in careers in a variety of jobs within the meat industry.
>
> Following the successful completion of the pilot project, on May 3, 1976, a demonstration project began under a different program model, whereby ICI Projects used the facility of an existing business for training purposes. Upon completion of the court-funded project in February 1977, 32 people participated in the ICI Projects Meat Industry Program, and 23 were placed in private industry at wages ranging from $5.00 to $8.00 an hour, plus benefits. One man was unable to continue the program due to a reoccurrence of an old injury, and eight people were unable to make the necessary adjustment and were terminated. ICI Projects' staff are maintaining ongoing contact and placement services for individuals who have completed the program.

In the 5-year period since the meat packer program was concluded, the U.S. Probation Office has continued to provide guidance and to sponsor ICI in its efforts to become a specialized community-based organization. Funding has come from the State and Los Angeles County CETA sources, and from additional Federal probation cases where corporate owners have provided jobs as well as limited administrative funds. ICI developed a unique "program income" formula within CETA guidelines to augment its budget and cover overhead and service expenses. In addition, it developed a drug screening and urinalysis testing service to assist in appropriate intake screening and continuing treatment of persons affected by substance abuse.

The U.S. Probation-ICI relationship has provided a model to illustrate how public and private sector organizations can work together in practical ways to meet specific needs and challenges. In this joint venture the Probation Office was in a position to suggest policy and articulate program characteristics while ICI could devote its energies and efforts toward the pursuit of these goals. It should not be assumed that this partnership was free of pitfalls, but both partners had substantial latitude and freedom generally not obtainable if the partners had been operating separately.

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[26] Westman, Richard J. and Ronald J. McPherson, "Industry Corrections Interface: A New Horizon for Ex-Offender Employment," Internal Memorandum, U.S. Probation Office, Central District of California, 1978.

For a variety of reasons the ICI operation did not lend itself to be a vehicle for the utilization of the increasing number of white collar offenders being placed on probation with conditions of community servide to be performed. The next section of this article will reflect the expansion steps set in motion to achieve a more widely based service organization with broad purposes to serve the community in an innovative and non-traditional manner.

Foundation for People, Inc.

Less than 6 months ago, after almost a year of developmental work, including the involvement of an "Industry Advisory Board" of four white collar offenders, the Foundation for People, Inc., was incorporated. Some of the conceptual work is described by a United States probation officer who first worked with the ICI program and subsequently broadened his concerns to encompass a more general application of community service orders to improve the sentencing alternatives available to the Court as well as to provide additional resources to meet a variety of probation and community needs.

> We are proposing the establishment of a Community Service Program and/or Agency, which would help develop, monitor, promote, and perpetuate community service assignments arising out of Federal Court Ordered Conditions of Probation. This agency would service the Federal Court, United States Probation, and the community in a new and vital fashion. The program is intended by design primarily for white-collar offenders who not uncommonly are men and women with exemplary past histories, resourceful talents and community recognition, who, for a variety of reasons, committed crimes which may be incongruous with their past. We are focusing on this talent pool as an untapped resource for community service.
>
> The recent history of community service programs arising in the Central District of California contains a number of exciting projects. In the case of Industry Corrections Interface (ICI), the meat packing program, we see the beginnings of the above concept. Here a number of companies, as well as owners and executives, were placed on probation; and as part of Probation conditions were required to establish, fund, and help implement a training program to train hard-core, unemployed ex-offenders as meat cutters and packers. The results are highly encouraging as a beginning effort. The operational concept was that of utilizing the socially beneficial talents and resources of people and corporations on probation for a non-profit organization which coordinated the implementation of the Court's intentions. Currently, ICI is a hybrid of the original meat packing program, operating now under new funding obtained from the Comprehensive Employment Training Act, as well as Court ordered community service from additional industries. ICI is still applying the original lessons learned from the meat packing project.
>
> The goal of this proposed community service program is to harness fully the potential for good work inherent in the people we occasionally see placed on probation for sophisticated forms of white-collar offenses. The creation and implementation of our proposal will require the hiring of professional staff, the participation of the Probation Office, the creation of an adivsory board, and the eventual creation of an Honorary Board of Community Leaders in Government, the private sector, and the entertainment industry.
>
> The combination of these varied talents will afford the assessment of community needs, the design of community service projects prior to sentencing, the monitoring of these projects, and conceivably the fund-raising for these projects through the program's own efforts as well as social reparation orders provided by the Court.
>
> It is anticipated that the collective impact of the white-collar offenders, who are a part of this project, will be immeasurable and highly beneficial to the community. Their skills orchestrated and directed, as well as allied to other projects, can be significantly and substantively worthwhile. Their special skills, energy, and unique way of problem solving, blending with a professionally hired staff and the participation of the Probation Office, will develop unique projects which will become a resource for the community and an example for others to follow.
>
> There are special benefits to such a program. White-collar probationers who help in the development of their community service projects, in concert with the Probation Office, will make available not only their special talents but also their personal contacts and resources in a fashion which will allow for a perpetuation of these relationships long after the probationer has left the program. Also, community service hours, as a measure of the probationer's performance, will become less critical and the emphasis may lead more toward community service goals and expectations. Although this program would not necessarily exclude the use of "hours" as a part of the measurement of performance, it would also add project description, time frame, and plans for implementation as a part of the measurement and also provide a staff to measure the client's performance.
>
> For the Court a community service site involved in the design, monitoring, and development of community service projects for probationers may encourage judges to use this sentencing tool more frequently. Community service assignments will become an important social force. We have often heard criticism that, for want of talent, the money pumped into problem areas by society has simply disappeared without visible results. We will be able to provide this needed talent.
>
> Another benefit to this community service project is the pooling together of the individual talents of the probationers and collectively develop programs otherwise impossible on an individual basis. The pooling and coordinating talents on a project or projects has not been done on a regular basis, with the exception of the meat packing program. The conceptual acceptance of this program by the Federal Court is the vital element in implementing this plan. The Court's leadership made possible such programs as the meat packing project.
>
> We are recommending not a departure but rather a formalization and institutionalization of a process that has been existing in the probation system and the Court system for many years. The probation condition of community service for individuals as well as corporations, as a sentencing alternative, is becoming widely used and widely accepted. Community service has been viewed by the Court and the Probation system as punishment, rehabilitation, and as significantly beneficial to the community. Implicit in orders of community service is the assumption that the probationer is a

> responsible and capable person who will be able to fulfill the Court's obligation without significant behavioral problems. We are recognizing increasingly that the white-collar offender can best repay society through community service which is not necessarily financial but with their non-monetary resources and abilities.
>
> **Methodology**
>
> Since this proposal is of an experimental nature, planning and development constitutes a crucial period. The planning must include criteria for selection of individuals as well as criteria for selection of projects. There must be a methodology developed for evaluating, monitoring, and perpetuating programs.
>
> The initial planning and development will build around probationers who have training or abilities suitable for beneficial community service and whose history includes leadership and responsibility, and a desire to lend his or her talent to such a project. Courts may wish to require progress reports for community service ordered as a part of the sentence. This might allow the Court to become more informed in design and implementation. There are a number of practical steps to be taken:
>
> 1. Define the concept goals and criteria for this project.
> 2. Obtain the necessary authorization from the Court and the Probation Office.
> 3. Create an industrial advisory board to work with the Probation Office and other agencies to design the program.
> 4. Establish the program as a non-profit agency and raise the appropriate funds.
> 5. Build in opportunities for review by the Court and the Probation Office throughout the process.
> 6. As part of the original design, create the necessary groups of individuals who can lend their energies, talents, and information to the development of projects.
>
> The goal is to create a socially relevant community service project which will be documented, credible, and a credit not only to the agency but to the individuals involved in its creation.[27]

The foundation for People, Inc., was organized as a non-profit public benefit corporation ". . . to provide vocational training, employment opportunities, information and referral services to individuals who are on probation for the commission of criminal offenses and to individuals who are economically or socially disadvantaged." At this writing the Foundation has held its organization meeting and is pursuing tax exempt status with the Federal and State governments.

Probation and Community Advocacy

The development of non-profit private agencies or narrowly defined public benefit corporations can present a professional dilemma to many correctional practitioners. To assume such responsibility is, to say the least, a non-traditional role for most probation officers. Further, the institutionalization of such approaches in a sense "binds" the probation office to courses of action generally not provided in the budgeting of resources or in staffing formulas. What, then, are the alternatives for the probation office which chooses not to deal with these matters except on a case-by-case basis, or which is precluded from doing so by reason of externally applied limitations such as administrative policy, budget, or court prohibition? Given an atmosphere that encourages cooperation between the probation office and the public and private sectors at least four alternatives can be described:

(1) Conduct a resource availability inventory of public agency services and a needs assessment of probation clients and attempt to arrange a matching process. While this process may be increasingly difficult, there is some evidence of responsiveness to articulated, legitimate requirements of the ex-offender group when presented to state employment or vocational rehabilitation agencies or to Private Industry Councils responsible for implementation of title VII of the Comprehensive Employment Assistance Act.

(2) Establish a "broker" or referral service to those private sector agencies established for community service purposes. In Los Angeles, for example, community service probation orders can be facilitated through the Volunteer Action Bureau, supported in part by the United Fund. Other community based agencies using funds from Federal or state sources may be required to accept ex-offenders as a stated percentage of their intake. Not to be overlooked also is the private-for-profit company which seeks to contract to provide needed services. For example, Community Corrections Services, Inc., of Eugene, Oregon, was a private corporation under contract with the State of Oregon Corrections Division through June 1981 to deliver $1.3 million worth of services (presentence investigation, job development and enhanced supervision) in nine Oregon counties. The company was willing to allocate venture capital to develop and field test a prototype community service program for white collar offenders provided it could solicit foundation support in the form of an advance or a loan to be repaid over a period of several years from operating profits.[28]

(3) Identify and support organizations whose mission is to provide needed programs and services and whose status is quasi-governmental or whose funding includes monies from governmental sources. The National Alliance of Business, for example, has contracts with the Department of Labor to assist in the development and operation of Private Industry Councils for prime sponsors seeking such aid. NAB has, over the past 2 years, jointly sponsored with the United States Proba-

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[27] Wishny, Stephen L., "Preliminary Concept Paper for Industrial Advisory Board," Internal Memorandum, U.S. Probation Office, Central District of California, April 22, 1981.

[28] Personal communication and proposal to the author, June 23, 1980.

tion Service a coordinating program known as CAPE (Community Alliance Program for Ex-offenders). Now operating in Philadelphia, Portland, and San Jose, the emphasis is to utilize and coordinate the resources of CETA title VII with the capabilities of existing community-based organizations to provide ex-offenders with employment assessment, job training and/or job development and placement services.[29]

(4) Look for joint venture or "trade-off" relationships with other correctional agencies. For example, at the urging of United States Probation, ICI Projects opened its intake to State Corrections, Youth Authority and local probation officers in 1978. This year, both state agencies are using budgeted funds to solicit proposals for the kinds of services ICI has been providing. To the degree ICI is successful in competing for such monies, the United States Probation sustaining efforts may permit expansion of the number to be served or allow diversion of funds to meet other competing needs.

Implications for Policy

National manpower policy now seems to treat ex-offenders as part of a broader group of structurally unemployed or disadvantaged persons. Except for the Targeted Job Tax Credit program, ex-offenders are not seen as a target group of persons with unique problems. CETA regulations and instructions still use the same criteria for program evaluation of community-based organizations specializing in service to ex-offenders as are applied to those serving more heterogeneous groups. The National Alliance of Business has dropped its focus on target groups, including the ex-offender, and appears to be on the verge of withdrawing the organizational and financial support for the CAPE program. These indicators, joined with austerity budgets, cuts in aid and assistance, and a contemporary political thrust toward greater punishment and more incarceration surely will maintain a climate in which criminal violence will continue to fester.

The local correctional administrator is hardly in a position to address these widening national economic and social gaps. His challenges, aided perhaps by the "Voluntary Initiative Program" of the national administration, will include finding useful answers in his community to the following (and similar) questions:

(1) How can we develop and maintain a vital and visible range of activities and cooperative efforts directed toward solving the specific problems faced by ex-offenders?

(2) How can we motivate private sector companies, including those directed as a condition of probation to perform community services, into honest responsiveness while avoiding the impression of "buying off" their obligations and influences?

(3) How can concepts of business efficiency and expertise be combined with the public interest to solve the problems of employment, housing, health and others associated with the stigma and status of the criminal?

(4) How can labor intensive and semiskilled industries, together with organized labor, be solicited for a more compassionate and responsible role in meeting the employment needs of the probationer or parolee?

(5) How can we find ways to accelerate the establishment or expansion of programs designed to strengthen volunteering, as well as individual, foundation or corporate giving, in order to strengthen public/private partnerships and coalitions?

DON'T ask the employer to give your referral any special consideration, but request that he give him the same consideration as any other qualified applicant who is not an ex-offender.

— Dennis W. Neilsen

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[29] The author, "Program Statement of the National Planning Committee on Ex-Offender Employment" (Washington, D.C., September 16, 1980).

Not Without the Tools: The Task of Probation in the Eighties*

BY FRANKLIN H. MARSHALL AND GENNARO F. VITO, PH.D.**

TRADITIONALLY, the role of the probation officer has been viewed as a dichotomy. Probation supervision has involved "maintaining surveillance" as well as "helping or treating" the client.[1] Probation officers were left to their own devices as to which role was most appropriate. This dilemma is likely to remain with us in the next decade as calls from several quarters point toward the need for change in the role of the probation officer. What can and should be done differently? Regardless of the type and form of suggested change, an adjustment in the role of the probation officer cannot be made without some alterations in the methods used by and in the resources available to the officer.

Historically, the role of the probation officer has been poorly defined. The greatest omission has been the lack of a firm and definitive "mission statement" for probation. Research in this area has revealed a number of different role typologies of probation officers. In each of these studies, the determining factor in the typology was the manner in which the officer viewed the client, the job itself (including the role of the community), and ultimately, the surveillance vs. counseling (treatment) dichotomy (Conrad, 1979; Ohlin, et al., 1956; Hardman, 1960; Klockars, 1972; Miles, 1965; Von Laningham, et al., 1966; Sigler and Bezanson, 1970; Tomaino, 1975; Studt, 1978).[2]

It is the permanency and resiliency of this dichotomy which is the heart of the debate over the proper state of the probation officer's role. Recently, the surveillance role has been emphasized. For example, Fogel and Thompson (See Gettinger, 1981) have argued that the most appropriate role for the probation officer has moved beyond that of enforcement to that of compliance: He/she is literally an officer of the court, responsible for monitoring the offender's compliance with the conditions of release.

Perhaps, this statement is merely a recognition of what has been long suspected with regard to probation service. It is the manifest duty of the probation officer to keep the court aware of the conduct of the probationer. Here, the official charge to the officer and the directive to the client is most clear: Maintain or abide by the conditions of probation or face the consequences (i.e., violation and incarceration). The argument can be made that the protection of society was always paramount; the helping or treatment role was always secondary.

In fact, the helping role of the probation officer was a difficult one to outline, offering a direct parallel to the now-maligned "coerced cure" of rehabilitation in corrections (See Morris, 1974). With probation, the client is *not* seeking help, but comes to the officer in an adverse situation—*not* by choice but from a violation of the law. Although the probation officer may seek to induce a "desire for change" in the offender (Linden, 1975), often the only incentive available to the officer is the threat of incarceration—more of a restraint than a curative.

The major issue is what can and should be done about the surveillance vs. treatment dichotomy? Should it be reconciled? Should one role become supreme and the other be eliminated? Is it possible to retain both and use each at the most appropriate moment? To what extent is the conflict between counseling and surveillance simply a "part of the job" of the probation officer?

Often, the type of supervision style is determined by the type of offender. For example, with the white collar or organized crime offender, surveillance and monitoring the extent of the offender's compliance with the conditions of release are the most crucial aspects of supervision. The officer must attempt to maintain contact and increase communication ties with law enforcement agencies who are also interested in the client while insuring that the offender complies with the conditions of probation. As McCleary (1978) aptly pointed out with regard to parole supervision, "client typing" is no stranger to a service bureaucracy. In his words, "the long run goals of the bureaucracy amount to rehabilitating those parolees who are amenable to rehabilitation while simultaneously protecting society from those who are not." The probation officer makes the same type of decision on a case by case basis.

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[1] Throughout this article, the term "probation officer" is utilized. It is meant to designate both probation and parole officers. Many of the dilemmas facing probation also relate to parole. In fact, the only true difference between the two is the legal status of the client.

[2] This debate, however, is but one source of the probation officer's role conflict. For example, authors such as Blumberg (1967) have denounced "civil service malaise" as another source of the professional schizophrenia which probation officers generally face.

In order for the probation officer to meet the requirements of the surveillance role, changes must be made in the probation process. The conditions of release must be made in a more specific fashion; they should be "tailormade" to fit the individual case wherever possible. These tailormade conditions should be arrived at through consultation between the client, the officer, the judge and even the victim. The presentence investigation plays a major role in this process as the primary source of background information in each case. As suggested by Scott (1978), the conditions of probation should become something of a legal contract between the client and court. The certainty, clarity and specificity of the conditions of release should prove to be beneficial to both the client, who will now know without question what is expected of him/her, and the officer, who now has a firm basis upon which a surveillance role can be established. If surveillance is to become the dominant role, then the days of the traditional, general conditions of release are numbered.

On the other hand, if the probation officer is to follow the helping or treatment role, the officer must have better control of the resources which can facilitate this movement. Making use of available resources is one of the key concepts behind the community resource management team (CRMT—a technique which is currently being adopted by probation departments (see Wood, 1978).

It is our contention, however, that the CRMT approach does not go far enough. Probation departments need to contract for community services to assure the quality of service provided by social service agencies to probationers. This tactic would give the probation department some measure of financial control over the services provided by others to its clients. If the department contracts for services and these services are not delivered, finances can be withdrawn or withheld. Control of the purse strings will give probation departments a voice in terms of the type, manner and, most importantly, the quality of services provided by social service agencies for the probationer (See Linquist, 1980). This type of financial control could prevent what some officers consider "Social Service Rip-Offs" of their clients: The services are not delivered by the agency in question and the probation department is prevented from taking action by a sea of bureaucratic red tape. The proposed method should also be effective in these times of budget retrenchment when both probation departments and social service agencies face a reduction in available funds. Fiscal accountability could lead to greater efficiency in services provided for probationers.

Perhaps, the eighties will be the time when the functions and purpose of the surveillance vs. treatment roles are recognized as separate and appropriate functions. An example of this type of approach is the Federal Probation System's Supervision Monograph. Scheduled for release in 1982, this monograph is designed to assist the probation officer, and ultimately the system, through the adoption of a workable format of supervision. The method provides for the initial classification of the case which will set the parameters of client contact as well as determining the initial supervision plan. This plan, however, is subject to periodic review (i.e., every 6 months) by the officer and his/her supervisors. The assumption is that the supervision plan will be implemented and adhered to. The plan consists of the identification of client problems, and setting of objectives to solve these problems and the establishment of a supervision plan to meet the objectives. Hopefully, the achievement of the objective will alleviate or eliminate the client's problem.[3]

In California, a similar method of supervision has been developed.[4] As described by Gettinger (1981: 34-35), this "New Model" is characterized by:

(1) The use of a Risk Assessment Scale to assign parolees to different types of supervision. A needs score is also assigned.

(2) Different styles of supervision. Any client with a score of 7.5 or above is considered a "control" case. A parolee with a score of 5 to 7.5 is also a control case, unless his/her needs are above 7.5, in which case it will be handled as a service case.

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[3] The need for surveillance under this method is determined by the Risk Prediction Scale (RPS-80) for persons on probation and the Salient Factor Score for persons on parole (See Eaglin and Lombard, 1981). In addition, the probation officer is required to identify "supervision problems": circumstances which limit the offender's ability or desire to function within the requirements of probation and which are directly linked to supervision outcome. Problems can be identified in the areas of: family/marital relationships, education, employment, financial, health (physical and/or emotional), residential stability and established antisocial lifestyle.

[4] Wisconsin has also developed its own method of probation and parole classification (See Baird, 1981). However, the specific techniques used by this system were not available at this writing.

(3) Minimum supervision. Any case that scores below 3.75 in both risks and needs is put into a separate caseload with few reports required and services provided only on request.

(4) Specialization of agents by styles of supervision. "Control" agents do not handle problems outside of their specialities.

(5) Specific direction by supervisors. They tell an agent exactly what actions to take on each case and how many hours per month they are to devote to it.

This method of supervision constitutes an attempt to balance the conflicting needs of treatment and surveillance by splitting them permanently according to the needs of the client and the expertise of the officer.

The establishment of a clearly defined method of supervision has long been neglected and, as a result, decisions of this sort have been left to some arbitrary, subjective (and often unconscious) nonsystem of the individual officers. While in many instances this "nonsystem" sufficed to prevent probation from collapsing from the absence of a mission statement, the future of probation supervision requires that a standard format be developed.

Hopefully, the Federal Supervision Monograph will be one of the tools which can be used to forge what has been the "missing link" in supervision and the delivery of services to the client. This task can be accomplished by formalizing what is expected of the officer by defining how cases should be classified and then to formulate supervision plans in a systematic fashion. As a result, the client will also have a clear idea of what is expected of him/her and what services will be provided during the period of supervision. This method will also serve to eliminate areas which have been pushed aside in the past because the officer did not have the necessary tools to handle certain supervision issues.

For example, a number of new modes of supervision for "low risk" probationers have been developed and are being utilized across the country. Already beginning to take form are specialized sentencing provisions including public services as a part of the sentence or as a special condition of probation (See Nelson, Ohmart and Harlow, 1978). Additionally, minimum supervision caseloads are in operation for certain types of low risk clients. Such a method has been developed in the U.S. Probation Office in Philadelphia. The Administrative Caseload Project was designed under the assumption that 15 to 20 percent of the general caseload in the district had no need for routine assistance or personal contact with the probation officer. The establishment of such a caseload, handled by one officer, would reduce the caseload of other officers and thus enable them to devote more time to and provide more innovative services for the remaining clients.[5] Of course, the essential idea behind such minimum supervision models is the attempt to deal with the pressures caused by large caseloads. However, if such methods are found to be effective, the question would remain as to why these persons should be placed on probation at all (see Allen, Parks and Carlson, 1980). Perhaps, the future will bring a new type of sanction or sentence for low risk cases.

On the other hand, efforts to identify those clients who need special attention are also being developed. The criteria for identifying and the tools for serving the drug/alcohol abusing offender have been in use at the Federal level for some time (i.e., The Narcotic Addict Rehabilitation Act of 1966 and the Contract Services for Drug Dependent Federal Offenders Act of 1978, P.L. 95-537).[6] Now, the concept of supervision is being altered to focus upon other types of special service clients and their particular needs. The organized crime and white collar offenders are being targeted by probation officers. The distinction between the problems of the client, the establishment of objectives to meet these needs and the development of supervision plans must be balanced by the realization that these "other types" of offenders must be dealt with aggressively. Tools like strict surveillance must be available to the probation officer. For example, close contact with law enforcement agencies should be recognized and maintained as a legitimate focus of supervision for these sophisticated "other" offenders. Traditionally, the probation officer has not enjoyed or cultivated the necessary close working relationship with law enforcement agencies for this type of offender.

In sum, it would appear that the helping vs. surveillance dichotomy is likely to remain with us for some time. Recent developments suggest that surveillance is likely to become the primary emphasis for certain types of clients who constitute a demonstrable risk to society. However, if a shift is to occur in the role of the probation officer, the mechanisms listed in this article should aid in the development of a more facilitative type of probation supervision.

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[5] Preliminary findings from the evaluation of the Administrative Caseload Project reveal the following information. During the first 2 years of the project, 190 cases were admitted to the project and 62 cases were rejected. During this period, 98 of the accepted cases were terminated from supervision. Of this group, only 4 were unsatisfactorily terminated: 1 due to a new conviction, 1 on a technical violation, 1 due to a failure to report, and 1 on a program guideline violation. Although these findings are limited, it would appear that low risk cases do exist and that they can be handled in an effectively different fashion.

[6] As Meeker (1978: 21) has indicated, this Act provides for the civil commitment of narcotic addicts to the Surgeon General of the United States at a U.S. Public Service Hospital or a private facility under contract. Aftercare supervision is provided for by the Federal Probation System and in most metropolitan districts, one or more teams of probation officers specialize in handling such cases.

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Inside Supervision: A Thematic Analysis of Interviews With Probationers

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The Problem[1]

In seeking to modify, modulate, control, or in some way change human behavior, the perceptions, attitudes, predispositions, and sentiments of those involved in the enterprise must be taken into account. Unlike ingots, people do not take shape uniformly due to the influences of an intended uniform processing. The range of reactions that ingots have to heat, chemicals, or pounding is limited; and it is a function of well-defined physical characteristics. The variety of human responses, however, to ostensibly similar situations is broad and complex. What one man responds to with equanimity, another may consider a catastrophic event. Reactions to probation may reflect the observation made by Lucretius in *On the Nature of Things*: "What is food to one, is to others bitter poison."

As with understanding other human actions, capturing the meaning of the situation to the actors involved may be an essential element in exploring reactions to probation. And, although we may reasonably assume that perceptions may be critical determinants of behavior and the foundation for explanatory constructs, only a handful of supervision studies have considered the clients' or agents' perceptions of the process (e.g. Studt, 1972; Erickson, 1973; Renzema, 1976; Lohman, 1967; Berman, 1976; James, 1971; and Waller, 1974). The typical conceptual stance is that elements of supervision are what elements of supervision were intended to be. Research workers on this topic typically have assumed that the purported quantum of supervision (for example, intensity of supervision) is the perceived quantum. Rarely has there been reported an adequate description of the supervision or treatment—the independent variable in the investigation! Variance in outcomes typically has been interpreted in terms of readily measurable factors, such as number of contacts, while overlooking other potentially more significant variables, such as the clients' sensitivities to modes or amounts of intervention and the clients' perceived needs and concerns.

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The purpose of this article is to describe an initial step in measuring the needs and concerns of probationers. The objective is to provide a richer portrait of the probation process, and the method of inquiry is guided by the assumption that in order to understand human behavior in a particular setting or human climate, a description of the "realities" or the functional worlds of the persons in the setting is required. The exploration of the "worlds" of probationers began with confidential interviews with a random sample of 57 persons sentenced to probation in two counties in New Jersey.[2]

Method of Inquiry

Our interview schedule was structured to explore the concerns of probationers. Each interview was tape-recorded and included an orally administered instrument, the Self-Anchoring Striving scale, which was developed by Cantril (1965) and modified by Toch (1977) for use in prison settings. We made some additional changes in the scale for use in the probation setting. Cantril describes the scale as a

> . . .technique for tapping the unique reality world of an individual and learning what it has in common with that of others. . .a person is asked to define on the basis of his own assumptions, perceptions, goals, and values the two extremes or anchoring points of the spectrum on which some scale measurement is desired—for example, he may be asked to define the top and bottom of the scale as the best and worst. This self-defined continuum is then used as our measuring instrument. (Cantril, 1965:22)

The advantage that the Self-Anchoring Striving scale has over many other instruments is that the subject, not the researcher, defines what is important or central, and the subject evaluates his present situation in terms of those self-generated concerns. The technique minimizes the chances of the subject responding to personally unimportant or irrelevant questions. The version of the Self-Anchoring Striving scale contained in our interview schedule appears below:

8A. Most people who are on probation have some idea of what the perfect probation situation would be for them. Assuming that you have to be on probation for a certain period of time, what would the perfect probation world look like for you? Can you describe the best possible probation situation for you?
Permissible probes: What would probation have to be like for you to have the easiest or most profitable time.
Obligatory probe: Anything else?

8B. How about the other side of the coin; what would be the worst possible probation situation for you?
Permissible probes: What would make probation difficult for you? What would make probation a miserable experience?
Obligatory probe: Anything else?

8C. Here's a picture of a ladder. Suppose that the top of the ladder represents the best possible probation situation as you have described it (SUMMARIZE BEST POSSIBLE SITUATION) and that the bottom of the ladder represents the worst possible situation for you (SUMMARIZE THE WORST POSSIBLE SITUATION). Where would you place your present probation?

Interview Classification

The content of the interviews was coded according to a classification scheme that was developed to capture reliably the concerns of probationers. The thematic analysis of the interviews centered on descriptions of the anchors provided by the subjects in response to the Self-Anchor Striving scale. Because people generally have more than one concern or need, each interview was assigned a primary theme and, when warranted, secondary themes. The average number of themes assigned was 1.7.

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[2] In County A, the chief probation officer contacted members of his staff he felt would be interested in the project. Although we were aware that a sample of officers biased in this way could influence both the type of probationers we interviewed and their impressions and concerns, it was the most reasonable procedure in light of real world constraints. Each of the selected staff members provided a list of their current cases (n=306). A total of 60 probationers were randomly selected from these lists as interview candidates.

In County B, we randomly selected two probation officers from the two most urban areas in the county; and selected a random sample (n=60) from their caseloads (n=222). We concentrated on the urban areas in County B because we unsystematically observed that in County A most of the clients we interviewed were white, educated, and sentenced to probation for minor offenses. We felt that capturing a broader range of concerns required a sample from areas which contained more ethnic and economic diversity.

We interviewed about half the people in our sample; attrition was a substantial 63 cases. In some respects, the attrition can be considered artificially inflated because we did not attempt to contact 18 members of the sample. After conducting and transcribing a small number of interviews, we realized that about 30 interviews from each site was a more realistic goal considering the resources available. The other major source of attrition was termination of probation (n=11). For these cases, we found that the subjects had completed their probation sentences by the time we attempted to contact them.

Six of the probationers contacted declined the invitation to participate in the project.

The themes or concerns that emerged from the interviews will be defined in the next few pages along with interview excerpts to illustrate each theme and its variations. What will quickly become apparent is that the concerns expressed by our subjects and reduced to the content categories go beyond the probation situation. Some of the concerns catalogued appear to be generic and, with modified points of reference, they would be relevant to other life situations and settings. In fact, similar dimensions have been chartered by Toch (1977) and Moos (1974) in their studies of the environmental concerns and needs of prisoners.

The dimensions that were derived from the interview content furnished by the members of the sample are Flexibility, Control, Assistance, Support, and Autonomy. Originally, an additional dimension, Clarity, was included in the classification scheme. However, as the classification of interviews proceeded, it was discovered that content reflecting the Clarity dimension was not appearing often enough to justify the inclusion of Clarity as a distinct dimension in the classification scheme.[3]

The remainder of this article will be devoted to the definition and illustration of the themes that comprise the classification scheme. A great amount of excerpted material is included in this section not only to bring the content categories to life with the words of those who have experienced probation but also as documentation of the content analytic scheme for researchers wishing to replicate the study and others interested in this area.

Flexibility

Flexibility emerged as a need for adaptability; a concern about pliable regulations and requirements; a desire for controller discretion when there is a perceived necessity for lenient or merciful adjustments.

Subjects who expressed Flexibility concerns felt that rules, especially those that could result in revocation, should not be invoked uniformly. A good probation officer was described as a person who understood that probation was only one aspect of a probationer's life; an officer who realized that "making it" required that the client must take care of "business on the streets," and that sometimes such activities took precedence over making an appointment. The flexibile officer was depicted as reasonable and aware that pets and car batteries die, children become ill, and employers request that employees work overtime. All such events were seen as limiting one's ability to comply with probation conditions at least temporarily. The following interviews excerpts illustrate Flexibility concerns:

> M1-9
>
> So now I have this job, and I'm off for a week. I work for 7 days and then I'm off for 7 days. I can come here within the 7 days that I'm off. . .I work on a boat. I can't call. But if I don't call, the first thing they think is violate him, he didn't come. I get a letter. There goes my job. There goes everything. So I think that they should be more lenient with those that have a job than those who don't. Maybe more flexible.

> M2-9
>
> I'm afraid, I guess, of messing up. And, if I do, she's pretty lenient, she's okay. Some people might not say that, they might think that it's jumping probation. I'll definitely, once a month, you know, come down. If, like, we've gotten to the point where for the past few months I've been really busy. I just had a job, I lost a job, and I got another job—moving around here and there, so I don't have a lot of regulated time, I don't know what I'm doing. So I'll just call here when I know a month has gone by or 3 weeks or whatever, and let her know what I'm doing, if I can come in for an interview. If not, catch you next time around. This has just happened recently. . .

Flexibility was also related to the payment of fines. Some subjects felt that variations in financial ability, including outstanding debts, should be taken into consideration when they were delinquent in their fine payment. Others proposed a spirit of the rules rather than a letter of the rules application of conditions. If a man makes a genuine effort to pay a fine or restitution, full payment becomes an irrelevant concern.

> M2-4
>
> "Unless you immediately begin making regular payments to reduce this fine, your case will be returned to court for a violations hearing." Right away—they don't care what the reason is—I could be dead! You know, somebody in my family could've died, I could've lost my job, you know. And in less than a month's time, they're screaming for another payment, or else they're gonna violate. . . .
>
> I realize there has to be a time limit on paying a fine, in my case, in anybody's case there has to be some kind of time limit, but if it's not met, as long as the fine is being paid, and the effort is being made—and they know it is—they should just continue on. . . .

Another aspect of probation that relates to Flexibility is the location of the meeting. Some subjects expressed a desire for a probation officer who would be willing to come to them. In the excerpt below, a subject describes the perfect probation situation for him:

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[3] Each interview was classified on two occasions by the same rater, the author. Approximately 3 months elapsed between the two interview classification periods; themes were coded consistently for about 85 percent of the interviews. The agreement percentage may have been adversely influenced by minor modifications in the definitions of concerns during the 3-month interval. An examination of the interrater reliability of the classification scheme has not yet been conducted.

> M2-6
> The only thing is that I would say is that he's gotta come to me. He can catch me on the job—I'll tell you where I'll be; I'll call you everyday and tell you where I'm gonna be.

> M2-4
> Like, he's offered to come down and see me. He usually sets up appointments on days when I have off, it's a lot easier now.

The excerpts presented above also illustrate the point that the same conditions or events can hold different meanings to persons with different concerns. As we shall see when we discuss Autonomy concerns, what appears to be a desirable feature of probation for the person who prizes Flexibility may be considered in incursion to the client with extensive Autonomy concerns.

In sum, our subjects who emphasized Flexibility considered their personal schedules and life styles as a component of potential importance in making conditions and revocation decisions. They felt that rigidity on the part of the probation officer was an undesirable feature and one that promoted fears concerning revocation.

Assistance

Assistance is the need for aid in dealing with concrete problems; a desire for help in solving practical problems or completing necessary tasks.

Those who expressed Assistance concerns desired or enjoyed the help of their probation officers in solving some mundane but critical life problems—employment, education, housing, financial management, and health. The ideal Assistance probation officer was portrayed as avuncular and resourceful:

> M2-4
> If the P.O. knows somebody, you know. Say a guy comes in—he doesn't have a job. You're a probation officer—you have a lot of connections around town. . . .
> You know the guy is willing to work, and you know what his limitations are, so you say, you call up Joe Schmoe from CETA, or you call up—you know, your friend from down the block is lookin' for a mechanic for his garage, you know. Anybody can do that, it's just that coming from a probation officer—he says, "Look. I've got a guy, I think he's pretty good." He's gotta helluva shot to get the job.

Some of the interview content that reflected the Assistance dimension illustrated a desire for help and advice in dealing with various bureaucracies and other criminal justice agencies:

> M1-25
> If the person is on probation and have some problems he can explain to the officer, and then find out where to get help. Like I used to have some problem. I used to have a station wagon that was stolen, and the people make an accident, and then they blame me because all my papers were in the car. So I explained to the probation officer he helped me with the problem by calling Trenton Motor Vehicle, and he find out that and helped me.

> M2-16
> Well, I've asked him on legal matters from time to time, such as what do I do if, you know, if I'm stopped by the police as far as a routine check is concerned. So I kinda like, use him as a lawyer too, legal advice.

In some cases, the problems were seen by the clients as difficulties associated with their perceived diminished legal, social, or economic status resulting from their probation sentence:

> M1-24
> You know like you figure you give a person probation so you don't send them to jail, therefore, his head is kind of foggy from the jump because of the fact that he was worried about going to jail and now he's not. His head is still kind of foggy he doesn't know what direction he wants to go into. But you know he has to do this or this will happen. He only knows but so many places to go to. And being as most of them feel as though because, well myself, I won't say everyone else, but myself, I had no high school diploma, and I have a criminal record as long as the majority of people are, I feel as though there is a strike against me anyway I try to go as far as looking for a job. But I feel as though the probation department should be able to pick that slack off of me. I mean at least lead me to the door.

In other cases, the probation officer's help with solving practical problems was considered "above and beyond the call of duty."

> M2-2
> It would be up around 9 or 10, see, cause he's helped me in a bunch of things that he really hasn't, he really didn't have to. Like, now, I came in a little bit earlier and we were talking about some things, about my landlord's trying to evict me, and she gave me a notice, and he called up his lawyer friends, he told me well, this piece of paper isn't really legal, he's doing this on his own, like calling up his lawyer friends and all, finding out what are the recourses I have. He didn't have to do that.

In all cases, those who were primarily concerned with Assistance desired a probation officer with the characteristics of a one-person social service agency and a friendly advisor.

Control

The control dimension is defined as a need for external regulation to avoid troublesome situations; a desire to delegate responsibility for one's behavior to the controller; a concern for external restraint which is seen as necessary.

The Control concern goes beyond the normal recognition that one must tread cautiously while on probation because of the consequences of revocation. It is more than considering deterrence and incapacitation legitimate purposes of probation. Those who prize Control view rules, regulations, and other aspects of probation as necessary and desirable:

> M1-9
> Probation officers definitely look after you trying to keep you out of trouble. He knows a lot of people the same way as

me. He knows how to keep them out of trouble and what to do.

M1-8
Speaking for myself, probation, there's nothing wrong with it. It does help a person if they want help. If he constantly getting into trouble, and put on probation it can help him from getting into trouble if he go along with the probation officer and rules and regulation. But if he doesn't go along with it he's bound to get back into trouble again.

M1-25
The probation officer is all the time got to be in back of the person. Don't do it you know. Like I believe the person watches that guy, and why he do and sometime he make a visit to the home. They know when the guy doing good and when he not doing right, and they maybe see that guy do something wrong in the street or something then they stop the guy.

M2-8
I: What would the best possible probation world be for you?
What would it have to have?
S: I guess rules, you know, good substantial rules. . .that you have to work and stuff like that. . .just make sure you're on the right track. . . .

Some subjects considered probation a significant life event which occurred at a key juncture and diverted them from the self-destructive path they had been following. Threats of revocation were considered interventions which kept them on the "straight and narrow":

M1-30
To keep track of you. Make sure you are keeping your nose clean. I'd rather be doing this than sitting in jail. So keep your nose clean, keep track of you, scares you a little bit. . . .
Well when I was younger I would think "well I can't go outside and go crazy tonight because I'm on probation. If I get busted then I will go to jail." So keep my nose clean. It actually helps you.

M1-29
Probation is very helpful to people. Like if men drink too much and make a lot of trouble. . . .
I got into a lot of trouble when I was drunk and I was drunk every week. And then I go home from the bar and then start drinking at home and my wife and children not happy. I would start fight with them. . . .
I have to care about everything now. Not like before. And I care about the child and I care about my wife. I care about my mortgage and my house and I would say the probation office is a very good office. People would stop me from making trouble.

Support

The Support dimension reflects a need for understanding, empathy, warmth; a desire for emotional support and help with personal problems; a concern about personal relationships and communciations.

Subjects who expressed Support concerns desired a probation officer who was willing to listen to them; they emphasized that a probation officer should show interest in their lives. They wanted a probation officer with whom they could relate and share feelings. A supportive officer was described as a psychologist and confidant:

M1-2
With my probation officer it's like you come in an' have a friend I could talk to and relate to, and express my problems with whatever is happening at the time she'll understand, and she will not look at me, and she will try to help me out.

M1-5
My previous probation officer, if I go by that, being on probation with him was ideal. He was genuinely concerned about his people. I have absolutely no complaints about it. Once in a while he put me in my place, if I lost my temper with him, he'd treat me the same as I treated him. If I cussed at him, he would cuss at me. Then I would listen, and start laughing, and that would break the atmosphere. He was ideal, terrific. I knew if I needed help I could come to him. There was no problem that was too great for this man to handle.

M2-9
Yeah, I think there should be a lot of psychology involved, and not just the preliminary college psych. The more psychology the better. The more understanding, the people that are dedicated to trying to help the person rather than restrict the person.

M2-21
I: Well, what would it be like, what's the worst possible situation?
S: Just, maybe hostile, not friendly, not, don't listen, not really pay attention, non-caring. . .Basically non-caring; it's important that you show you care, that you are interested.

Similar to those who were concerned with Flexibility, subjects who expressed Support concerns wanted their probation officers to possess and consider information about their personal lives. They wanted their probation officers to treat them as individuals and "get to know them."

M1-14
I believe that had a lot to do with helping me because we would sit down, rap, and work it out instead of going in there and talking, 5 minutes and leaving. Like sit there for awhile and talk. Talk about anything you don't have to sit there and be proper, just sit there smoke cigarettes and rap. The dude would listen to see where you are coming from. And that way he could find you out more.

M2-11
Well, I guess you could say counseling, but more at an individual level as to what you're there for, in relation to.. . . .
She never mentions anything as to why I'm there. I don't even know if she remembers why I'm there. She just greets me as a person that came in and did something wrong. Doesn't know what. . . .
Well, If you're gonna help somebody, like I say, for armed robbery, that did armed robbery and somebody that smoked a joint, I'm sure that you would have different things to say to the fellow, you know?

For subjects with very strong Support concerns, probation officers were sometimes seen as substitute parents or siblings:

M1-20
You do have somebody to talk to when you need any help. Like my probation officer, he has been pretty good. You can talk to him and he will listen. Like a big brother, really. It has really been hard, my father died when I was young. I had two brothers but they were both married. I was always by myself. I didn't have anybody to talk to. Like if I have a problem I can talk to my P.O.

Autonomy

Autonomy is a need to be in control of one's life; a desire for minimum restraint and maximum freedom; a concern about being treated with deference and respect when one's perceived prerogatives are involved.

Those who were concerned with Automony expressed a strong desire to be masters of their own fates. For these subjects, the restrictions on mobility and life chances imposed by probation spawned feelings of impotence and resentment.

> **M2-15**
> I know that I'm not in total control of my life right now as far as mobility, and that is a concern. I've had an "up you" urgency in the last couple of years to kind of pack up and take off someplace for a month, just get away from it all. And I realize now that since I've been on probation, I can't really do that. I don't really have total control of my life. Whether you're not in any position to take advantage of it or not, it's just that you have a feeling that you're not in control, that you are, you know, in a very, very loose kind of. . .loose, I'm using the word incarcerated. . . .

> **M2-1**
> Yeah, and I don't think that the way probation gotta be, cause it's gonna screw you up, man, she was too strict. It's gonna screw you up, something like that. Definitely. It's gotta, you know? People on probation are on probation because say, some sort of rebellion against authority or something like that, you know? And then your probation officer is gonna be like that, authority again, be strict, with you again, you understand what I'm saying? So that's not cool, that isn't the way probation should be.

Autonomy shares a rigidity aspect with Flexibility. However, what the person who needs Flexibility considers unreasonable, the person concerned with Autonomy considers disrespectful, and he reacts with anger.

> **M1-10**
> When I come down here with a gut feeling, I'd like to blow this building off the face of the earth. I don't need nobody checking on my personal life. I don't like the fact that when you're on probation you have no civil rights. . . .You are a convicted criminal. You can do nothing about this. This man controls your life. If he wants to bust you today, and take you to court and jail your ass he's going to find a way to do it.

Privacy is another aspect of Autonomy. Subjects with substantial Autonomy concerns wanted control of information. What the person with Support concerns perceived as the officer showing interest in their lives, those with Autonomy concerns considered prying.

> **M2-6**
> I don't ask her where she goes. As long as I'm not getting arrested and I'm not going to work, and I attend A.A. then I don't see why they have to go into your personal life. As long as you're not getting arrested, and you're showing up when you're supposed to or whatever what else you have to do, as long as you're going that I don't see why they have to know where you go at night or what you do.

> **M2-24**
> Right. Or showing people my records. I know in this office alone that there have been other probation officers that have went into my files to see why I've been coming here. Now that's not right!. . .

Thematic Distributions

Tables 1 and 2 present the results of the thematic analysis of the interviews. The data in table 1 indicate that the primary theme, major concern, or dominant need expressed by the subjects was Support (29.6%) and Flexibility (20.4%). Just over one-tenth of the sample was assigned a primary theme of Assistance of Control.

TABLE 1.—*Distribution of Primary Themes Among Respondents*

Category	Percent	Number
Flexibility	20.4%	11
Assistance	13.0	7
Control	11.1	6
Support	29.6	16
Autonomy	25.9	14
TOTAL	100.0%	54

The distribution of all themes (primary and secondary) appearing in table 2 demonstrates that although Flexibility is not the most prevalent primary concern, it is certainly on the minds of probationers. Almost one-half of the subjects expressed a Flexibility concern. When primary and secondary themes are combined, Autonomy and Support maintain their positions among the three highest ranking themes; each concern was ex-

TABLE 2.—*Distribution of All Themes Among Subjects*

Category	Percent	Number
Flexibility	48.1%	26
Assistance	24.1	13
Control	14.8	8
Support	37.0	20
Autonomy	40.4	23
TOTAL	164.4%*	90

* The total percent sums to more than 100% and the number of themes sums to more than 54 (the number of interviews assigned themes) because each interview could be assigned more than one theme. The percentages are based on the number of useable interviews and not on the number of themes.

pressed by approximately two-fifths of the subjects. Assistance (24.1%) and Control (14.8%) remained the two lowest ranking concerns.

In sum, it appears that the subjects were most concerned with warm supportive relationships with their officers, including assistance with personal problems; freedom, minimal restrictions, and personal respect; and pliable rules and regulations, enforced by an officer who was willing to make schedule adjustments when necessary.

Association Between Dimensions

Table 3 displays the correlation coefficients that indicate the strength of the association of each theme in the classification scheme with every other theme. The most substantial, and the only statistically significant, association appearing in table 3 is between Support and Autonomy. The substantial negative correlation between these two concerns was expected. Persons who desire freedom, independence, and control over their own lives are not likely to have a very favorable impression of relationships featuring dependency, mutual decisionmaking, shared information, and clinical intervention.

Conclusion

The concerns and needs of probationers identified in this article are informative, and they furnish us with a first person view of the probation process. The interview information gathered is not only useful in itself but also is useful for constructing instruments that can be administered to large groups of clients in a relatively short period of time for a fraction of the cost of an interview. Our research plan was to use the interview information in developing paper and pencil instruments to measure the needs and concerns of probationers. The information furnished by the clients interviewed helped us in developing instruments with dimensions and items that have relevance to those who are serving time on probation.

If it proves to be socially, legally and ethically desirable, our goal is to classify clients according to their major needs and assign them to officers or refer them to programs that match their needs. The target group for classification in terms of the dimensions discussed should consist of those clients with the most urgent needs or strongest concerns. Readers who wish a fuller discussion of the problems of classification using the dimensions discussed in this article should refer to Gibbs (1980:84-89).

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TABLE 3.—*Dimension—Dimension Correlations*

DIMENSION	DIMENSION			
	Assistance	Control	Support	Autonomy
Flexibility	−.11	−.09	.10	−.17
Assistance		.01	−.07	−.05
Control			−.21	−.16
Support				−.37*

*Significant at the .05 level

Writing for the Reader

By Nancy C. Hoffman and Glen Plutschak

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BUREAUCRATIC: **The ensuing dissertation has been deliberatively formulated in order to call the peruser's attention to the fact that there exist a myriad of methodologies for maximizing the effectiveness of his or her written manuscripts as well as provide a vehicle for said peruser's personal edification.**

TRANSLATION: **This article outlines a set of rules to make your writing more readable.**

How many times have you read a bureaucratic sentence like the one given above and wished that someone had provided a translation? If you are like most of us, the answer is "too often." Unfortunately, many criminal justice professionals learn this bureaucratic style of writing early in their careers. As a result, their message is often obscured or totally lost.

The importance of the written word in documenting and sharing information in the criminal justice system is well established. Writing which most effectively fulfills this function is that which adheres to the 4 C's — clear, concise, complete and correct. The literature on the subject of effective writing contains numerous sets of rules. The following guides to good writing represent the basic concepts found in this literature.

(1) Know Your Reader

Knowing your reader is the first rule of any written communication. In part, this involves being aware of some general reader characteristics. Readers are lazy — on an average, they only spend 20 seconds reading each typewritten page. If the document looks like it's hard to read, the reader will not read it at all. Furthermore, readers usually have other things on their minds and are generally not interested in what you have to say. You should remember these general reader characteristics before putting a pen to paper.

Also, you should consider the level of difficulty at which you write. Some of the most widely read publications (e.g., *Time, Newsweek, Reader's Digest*) are written on a 10th and 11th grade level. Naturally our readers could read anything if forced to; however, because the competition for their time and attention is so great, readers appreciate clear and concise writing. According to Robert Gunning, author of *How to Take the Fog Out of Writing*, "too many of us write for the filing cabinet instead of for the reader."

The reader's knowledge of the subject matter is another important variable. In some cases, it may be necessary for you to give background information to get your meaning across. Conversely, you may lose your reader by providing unnecessary details. The point is not to frustrate your reader by giving too little or too much information.

(2) Know Your Purpose

Have you ever received a letter or memo which caused you to pause and ask yourself one or more of the following questions:

(1) What does this mean?
(2) What am I suposed to do?
(3) Why am I being told?

This problem arises when a writer has not taken the time to give prior thought to his purpose so that he can be sure it is expressed clearly. Generally, the purpose of any writing is to inform, persuade, document and/or request. A good rule is to state your purpose early in your writing. This will avoid the "mystery story" approach, which keeps the reader in suspense. Remember that one of the reader characteristics is that readers are lazy and may tire and lose interest in what you have to say before you even have a chance to state your purpose. Therefore, a good writer will state his purpose in the first sentence or paragraph. This is what is referred to as "prime time" and is intended to grab your reader's attention.

The concluding sentence or paragraph is the second most important part of your writing. It is called the "pitch" because it should leave the reader with specific instructions, feelings or an impression.

(3) Write the Way You Talk

A well-written letter or memo is one in which you hear the writer talking. You should picture the reader standing before you and then ask yourself, "What do I want to say to him?" This will help you to use simple words and sentences, avoiding obscure and bureaucratic writing.

Bureaucrats have a habit of selecting a longer word when the more natural and simple word would get the message across better. For example, bureaucratics never:

— read your proposals—they always take them under *advisement.*

— speed up the work of government—they *expedite* it.

— lower requirements—they *minimize* them.

— increase a program's effectiveness—they *maximize* it.

Take a deep breath and read the following:

> Dear Nancy:
>
> Please be advised that on 4/15 Messrs. Jim Cohn and Dale Denton are scheduled to attend the task force meeting on the recent integrated time-phased reorganization and it should also be noted that on that date I will be unavailable for my regular duties due to scheduled leave. It is respectfully requested that you consider this matter and determine if either of these gentlemen could be excused from attending the task force meeting.

Can you imagine talking to Nancy this way if you spoke to her in the office? Not only are the words too bureaucratic, but the sentences are too long. As a rule, readers will have to re-read sentences of over 17 words. Therefore, it is a good idea to keep your sentences short.

Naturally, in writing the way you talk avoid the use of slang and, possibly, even more loose expressions.

(4) Be Concise and Specific

Here's a story that shows how important it can be to keep your writing concise and specific.

> *Plumber's Story*
>
> A plumber wrote to Washington saying that he had been using hydrochloric acid for cleaning clogged drain pipes; had found it very effective; and wanted to know if this was all right.
>
> The Bureau in Washington wrote back and said, "The efficiency of hydrochloric acid is indisputable, but the corrosive residue is incompatible with metallic permanence."
>
> The plumber sent a postcard: "Glad to see you agree with me."
>
> Another letter from the Bureau came: "We cannot assume responsibility for the production of noxious residue with the use of hydrochloric acid." The plumber wrote back saying he was glad they accepted his suggestions.
>
> Then the Bureau sent him this message: "Don't use hydrochloric acid. It eats hell out of the pipes."

As the plumber's story illustrates, writing that is not concise and specific may cause the reader to totally miss the intended message.

One way to keep your writing concise and specific is to use as few words as possible. For example, a phrase such as "in view of the fact that" should be shortened to one word — "since." Other examples include:

at the present time — now

in the event that — if

in the near future — soon

It is also a good idea to use terms your reader can picture by using the most concrete word or phrase possible. By so doing, you will be sure your message is not confused. Don't ask your reader for a reply in a couple of weeks when you really mean to say that you need it by March 3.

(5) Use Action Language

Action language refers to sentence structure in which the subject is the doer of the action. Without going into the grammatical rules involved, it is suggested that the writer should use the active rather than the passive voice, where possible. We can best illustrate what we mean by example.

Passive — It has been recommended by the committee.

Active — The committee recommends.

Passive — The client was seen by me.

Active — I saw the client.

There are several reasons for preferring the active over the passive voice. The passive voice makes writing boring while the active voice is more direct, vigorous, and emphatic. In addition, the active voice uses less words.

The passive voice is often used to avoid taking responsibility. Sometimes it is obvious that the writer is "pussyfooting," as in the following statement: "After careful consideration, your request for reimbursement has been denied." The passive voice is used here so that the writer can avoid saying *who* denied the reimbursement.

(6) Use Variety

In the words of Robert Gunning, "No prose suffers more from sameness than American business English. Nearly every letter and report has the same high level of dullness and unnecessary complexity."

How then can we add variety to our writing? Basically, we have only four tools: words, sentences, punctuation, and format.

We have encouraged you to use simple, natural, concrete words and sentences. However, do not let this restrain your creativity. Be yourself! Allow your style and personality to be reflected in what you write. In this way, your writing will always have an individual flair.

Your individualism can be expressed through variations in word selection, sentence structure, and punctuation. Do not become overly attached to "pet" words or repetitious sentence structure. Review the rules of punctuation so you can vary your sentence structure even more. Make full use of dashes, parentheses, colons, semicolons, exclamation points, quotation marks, etc.

The only other method you have of adding variety to your writing is through good use of format. By format we are referring to the appearance of the written document. A reader can be motivated by format alone.

Have you ever hesitated to read a document only because it looked difficult to read? If so, the author could have benefitted by better use of format. What about those college textbooks with no illustrations, minute print, and pages that appear to have millions of words on each and every page?

Two important parts of format are appropriate margin size and the proper use of paragraphs to break up your writing. As a rule of thumb, try to limit the size of paragraphs to 12 typewritten lines. When the material covers several different topics, group your paragraphs under topic headings. Other helpful tools for improved format include the use of charts and graphs, which can often more effectively explain your thoughts than a narrative approach. Likewise, the use of lists can also be effective. Finally, to add emphasis to your writing, don't forget the benefits of underlining, different ink color, and all capital letters.

(7) Keep Your Tone Appropriate

Tone refers not to what we say, but how we say it. Inappropriate tone usually results from failure to consider how our writing will sound to the reader. Here are some examples that show how easily inappropriate tone can creep in:

—Your statement about the treatment you received from one of our employees is indeed surprising because we instruct all our employees to be civil, kindly, and thoughtful, even under the most trying circumstances.

—You misunderstood the statement in our memorandum of November 25.

While what is said in the examples may very well be true, both statements imply that the reader is at fault. This approach will obviously alienate the reader. Always keep in mind that the written word can express feelings almost as well as the spoken word. Written communications can be friendly, courteous, thoughtful, and professional or they can be abrasive, angry, and sarcastic.

One good way to keep your tone appropriate is to make your language positive. For example, why say, "I cannot come to your home before August 8th" when you could say, "I can come to your home after August 8th." Why say, "Certification will not be issued until you complete item 9" when you could say, "Certification will be issued when you complete item 9." There is a certain weakness inherent in the word *not*. Readers generally are more interested in being told what *is* as opposed to being told what *is not*.

(8) Always Reread

Although the last, this is the most important of the guides to good writing. Always revise and edit. Never send out something without rereading and taking it apart and rewriting if necessary. Remember your writing is a reflection of yourself. Many times you never have the opportunity to meet your reader; consequently, any impression the reader makes of you may be based strictly on your written work.

It is a good idea to walk away from something you have written before rereading. A time lapse between the completion of the document and the rereading may help the writer detect errors originally overlooked. This happens because the writer has distanced himself from his work and is, therefore, more objective.

You may also want to have someone else review your writing. This is particularly helpful in picking up inappropriate tone. For example, when we write something in anger another person may be better able to detect this inadvertent expression of anger.

Although you may think that you have complied with all of the guides to good writing, it is this guide (rereading) that will insure this.

A final word: When reviewing anything you have written, always ask yourself the question, "Is this something *I* would want to read?" *Make Your Answer Honest.*

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WHILE it may be true that some individuals are born with characteristics which make writing skills easier to learn (e.g., high intelligence), nevertheless good writers are individuals who have actively worked to increase their proficiency in written communication.

— JEFF SCHRINK, ED.D.

The Male Batterer: A Model Treatment Program for the Courts

BY GALE A. DREAS, DOROTHY IGNATOV, AND THOMAS P. BRENNAN*

PEOPLE who give vent to their rage by physically striking their mates, do not, as a rule, seek intervention. They are more likely to deny and rationalize their behavior and project blame and responsibility onto others. This factor, coupled with the magnitude of domestic violence, calls for mandatory coercive intervention.

The Social Service Department, Circuit Court of Cook County, State of Illinois,[1] in response to requests from the Legal Center for Battered Women and as a result of administrative orders by the State's attorney and presiding judge of the First Municipal District of the Circuit Court, established the Domestic Violence Program in the Spring of 1979. The purpose of the program is to address the issue in spousal abuse from the perspective of primarily assisting male offenders. The program addresses the abuse directly and attempts to help the offenders change their abusive behavior. As a result, the program is targeted at the adult, male offender charged and found guilty of battery (or related charge) against his wife or female friend. In addition, a voluntary program for the complainant in these cases is offered, so as to address the problem in a more comprehensive manner, recognizing the multifaceted nature of domestic violence.

The focus of this article, then, will be to examine the phenomenon of domestic violence from the perspective of court ordered treatment. The following will be considered: First, problem awareness and action; second, specific program focus; third, program structure and delivery of services; fourth, supervision/administration of the program; and fifth, conclusions and implications.

Awareness and Action

Investigation into the social problem of domestic violence provided a more acute awareness of its scope. The staff assigned to develop the program first sensitized themselves and then began to sensitize others in the criminal justice system with whom they would be working. A brief sketch of the scope of the problem, as well as the sensitization process, is provided below.

Scope of Problem

The extent of domestic violence that exists in this country is difficult to determine, in large part because of the reluctance of couples to make public the conflict in their marriages. In addition to this underreporting, the language in police reports and research studies often describes assailants and victims in nonspecific terms. However, Steinmetz, Strauss, and Gelles (1976)[2] conducted a national survey of 2,143 couples, randomly selected and demographically represented to measure the magnitude of marital violence. From the results, Steinmetz *et al.*, estimates that of the approximately 47 million couples living together in the United States in 1975, over 1.7 million had faced a husband or wife wielding a gun or knife, well over 2 million had been beaten up by their spouses, and another 2.5 million had engaged in high risk injury violence.

While it may appear that it occurs more frequently among lower class families, domestic violence crosses all boundaries of economic class, race, national origin and educational background. Lower class families may be more apt to call police or seek the services of other public agencies, but that is usually due to the fact that they have fewer resources and less privacy. Middle or upper class families experience violence at the same level as lower class families, but have greater access to private support services and thus are less apt to come to the attention of authorities. With this in mind, the sheer numbers of violent male-female relationships indicate that serious attention must be paid to examining and attempting to alleviate violence in the home.

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*Gale A. Dreas, caseworker, and Dorothy Ignatov, supervisor, were two of three individuals who developed and implemented the program. Gale A. Dreas is principal author; Dorothy Ignatov and Thomas P. Brennan, assistant director, assisted in the completion of the article. The program continues to be implemented by ongoing caseworkers, Social Service Department, Circuit Court of Cook County, State of Illinois.

[1] The Department provides correctional social services to misdemeanor cases referred to it by the courts. Cases are referred either because defendants are placed on supervision or sentenced to conditional discharge usually for a period of 1 year. Defendants, whether placed on supervision or sentenced to conditional discharge, are found guilty. If the conditions are fulfilled, the supervision order will not result in a conviction and consequent criminal record. On the other hand, the conditional discharge sentence is a conviction and does result in a criminal record.

[2] Steinmetz, S., Strauss, M., and Gelles, R. "Family as a Child of Violence," *Society*, 10 (6), 1973, p. 52.

Sensitization to the Program.—Prior to developing a program philosophy, it was necessary to become familiarized with the underlying processes that contribute to abusive behavior. This was accomplished by: (1) researching existing literature on the subject of domestic violence; (2) meeting with professional personnel actively working in the field; (3) attending conferences related to domestic violence; and (4) integrating personal ideas, expertise, etc., based on the population to be serviced.

After the initial period of sensitization, program staff began the task of engaging the total agency in problem identification so as to facilitate referrals of domestic violence cases specifically to this program. This required an ability to ask appropriate diagnostic questions to determine whether the criminal offense was related to violence between a man and woman.

Once internal sensitization was accomplished and departmental procedures had been established, steps were taken to obtain cooperation from outside personnel, such as judges, assistant State's attorneys and public defenders. Meetings were arranged in which the nature of the program was explained both in terms of the problem of domestic violence and the specific way in which we hoped to address it using the legal system. This was to be accomplished through a specific order from the judge that the defendant attend the Domestic Violence Program of the Social Service Department for a 30-week period.

Once this initial groundwork had been completed, implementation of the program could begin.

Specific Focus

The specific focus of the program was determined by our assumptions about domestic violence, the male batterer, and the women who are battered. The philosophy, as well as the goals and objectives, hold the individual responsible for his/her behavior and teaches/reinforces this individual responsibility. This section presents those underlying assumptions, the philosophy of the program, and the goals and objectives.

Underlying Assumptions.—Some of the identified assumptions underlying the structure of this program include the following: (1) Domestic violence is a learned behavior; (2) alcoholism is a frequent cause of domestic violence; and (3) the legal system is an appropriate intervention technique in addressing domestic violence.

Some of the assumptions regarding the men who batter include the following: (1) They have very low self-esteem; (2) they believe in male superiority and the prescribed male sex role in the family; (3) they are pathologically jealous and possessive of their partners; (4) they are highly symbiotic toward their partners; (5) they are basically "loner" type individuals; (6) they frequently come from homes where there is a lack of respect for women; and (7) they have low frustration tolerance.

Some of the assumptions regarding the women who have been battered include: (1) They have very low self-esteem; (2) they believe in the traditional, prescribed feminine sex-role in the family; (3) they accept responsibility for batterer's actions; (4) they come from a traditional, but not violent, family background; and (5) they attempt to control other people and events in the environment to prevent abuse.

Program Philosophy.—The Domestic Violence Program maintains that a physically violent resolution of conflict in relationships will not be tolerated. It operates on the premise that domestic violence is a crime and the safety of the individuals within an intimate relationship is emphasized over the right of either of those individuals to privacy.

Each person in our program is held responsible for his/her behavior regardless of the reasons cited for the abuse. However, it is recognized that both individuals in some way contribute to a maladaptive process in the relationship that can result in or lead to violence. This may include manipulation of the environment in order to prevent abuse or provocation to encourage abuse during the tension buildup phase (Walker, 1979). Environmental manipulation is done to placate or please the abuser in the attempt to keep from being hit; provocation would occur, on the other hand, as a means of "getting the abuse over with," knowing that it will occur eventually, regardless of what is done or not done, said or not said. However, these attempts either to "fend off" or to provoke the violent episodes may succeed only in creating maladaptive behavior within the relationship that results in sustaining the physical violence rather than eliminating it. This adaptive response on the part of the victim, then, to maladaptive behavior on the part of the abuser usually does nothing to inhibit further abuse; instead it may serve as a reinforcer of the violence.

Goals and Objectives.—The goal of the Domestic Violence Program is to eliminate physical abuse in domestic relationships. The objectives utilized toward accomplishing this goal include the following: (1) facilitating understanding and acceptance of the problem; (2) increasing acceptance of personal responsibility for behavior; (3) providing alternative ways of handling stress; (4) encouraging conflict negotiation of anger-producing situations; (5) encouraging peer support; and (6) reducing isolation. The manner in which these objectives are carried out is primarily through a group approach, supplemented with individual counseling, home visits, couples counseling, crisis intervention, and outside agency referrals.

Program Structure and Delivery of Services

The design of the program uses the group modality as the selected intervention style with individual interviews interspersed before, during, and after the life of the group. It is a 30-week program, with separate groups for men and women. Ideally, men who have been identified as having an alcohol or drug abuse problem are assigned to a separate group.[3] The first 15 weeks are essentially didactic and lead into the second 15 weeks' focus of problem-sharing and problem-solving. Crisis intervention, home visits, women's shelter placement, and court appearances are some of the adjunct services delivered. This section discusses the program structure, program elements, goals of the groups, content, and adjunct services.

Program Structure.—The Domestic Violence Program is selective in that it is designed for a very specific segment of the population. Those eligible include men who have been charged with the misdemeanor of battery or a related offense against their wives or female friends, and who have been placed on supervision or sentenced to conditional discharge with subsequent referral to the Social Service Department for a period of not less than 1 year. In addition, women who have been complainants in the above cases are also eligible to participate.

The program consists of three types of groups: two for men and one for women. The men's groups meet once a week for 1 hour over a period of 30-weeks while the women's group is open-ended. The men's groups are divided according to whether or not a drinking or drug problem has been diagnosed. These men are then separated from those for whom drinking and drug abuse is not problematic.

Attendance is mandatory for the men and any one of the following conditions determines whether a case will be brought back to court for violation: (1) absence at five consecutive meetings; (2) absence at seven total meetings; (3) recurrence of physical abuse if a complaint is signed; or (4) new arrest or conviction for any criminal offense. Failure to participate or additional abuse by the offender while in the program results in his case being returned to court. At this time, a recommendation is made, including possible incarceration or alcoholic treatment. At the end of the supervision period, if the offender has participated in the program and has complied with all of the court orders, a recommendation for termination is presented to the court.

The women's group, on the other hand, is voluntary, and comprises women whose partners have been convicted of battery or a related offense. This group meets biweekly and does not terminate at 30 weeks. Because of its voluntary nature, this group tends to be small and, as such, is designed as an open-ended, ongoing support group.

The 30-week program is staffed by supervised male and female co-leader teams. Co-leadership is stressed over single or same sex leadership because of the nature of the problem and the perceived need for appropriate role modeling behavior.

Program Elements.—Once the case has been diagnosed as one involving domestic violence, the following steps are taken:

(1) An intake is scheduled during which information is gathered related to:
  (a) the extent, frequency, duration and type of abuse;
  (b) precipitating reasons for battering behavior;
  (c) antecedant and consequent actions of the battering behavior;
  (d) the nature and extent of injuries;
  (e) recognition of a pattern of abuse;
  (f) the ability to predict when abuse may occur;
  (g) marital history;
  (h) parental background information;
  (i) medical/psychiatric history; and
  (j) drinking history.

On the basis of this information, an individual treatment plan is determined as a supplement to the group program.

(2) Following the intake interview, approximately three or four individual appointments are scheduled with the man for the purpose of rapport

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[3] Initially, this separation did exist. However, as the program grew, staff limitations occurred, resulting in groups comprised of both alcoholic and nonalcoholic men. For purposes of this article, we will present the original program design supporting a separate group for men manifesting problems with alcohol or drug abuse.

building as well as determining additional problem areas.

(3) The man is then placed in one of the two men's groups and a choice is provided regarding day or evening meetings.

(4) Individual appointments are scheduled with the offender every other month to evaluate progress in the group as well as to determine what is occurring in his relationships with significant others in his life.

(5) Court appearances are made, for violation, review or termination hearings as needed, for each individual case.

For the complainant, the following contacts are made:

(1) An intake interview is scheduled, which obtains the same information asked of the defendants. When needed, a home visit is done in order to accomplish this task.

(2) The woman is encouraged to participate in the women's group which meets biweekly.

(3) Individual appointments and/or phone calls are made with the complainant to report any changes in her relationship with significant others.

(4) Referral information is provided relative to crisis phone numbers, shelters, legal assistance, etc.

In addition to the above, couples counseling is provided as requested by the couples themselves or as perceived as a need by the ongoing caseworkers.

Goals of the Groups.—The program comprises groups of men and women. With both kinds of groups, the aim is to provide a support system for discussion of problem areas, to foster insight into their behavior, and to help them discover alternatives to expressing feelings in a violent manner.

For the men, the purpose of the group format is to acquaint them with some of the dynamics involved in the area of domestic violence, to allow them to share their frustrations, difficulties, etc., with other men who have experienced situations/problems similar to their own, and to suggest alternative behaviors to battery. Because many of these men have isolated themselves from persons outside of their primary relationships, they have become unable to deal with problems that arise within that relationship in any but a violent manner.

In relation to the women, who have also become isolated from others, the purpose of the group is to provide a support system for discussing the problems, difficulties, etc., that they have experienced as victims of domestic violence. They are encouraged to examine alternatives available to them whether or not they remain with their partners and also to understand some of the dynamics in their relationships that have contributed to violent behavior.

Since a high percentage of domestic violence cases cite drinking as a precipitating factor of abuse, a decision was made to separate the men into drinking vs. nondrinking groups. The underlying philosophy for this rests on the belief that the abuse is symptomatic of the alcoholism. As such, the drinking behavior is addressed and treated before other problems are considered. It is believed that, since alcoholism is a disease that results in a variety of acting out behaviors, if it is successfully treated, repeated violence will be eliminated. Successful treatment in the eyes of this program is continuous involvement in the program of Alcoholics Anonymous[4] which is regarded as the most successful approach to maintenance of continued sobriety. This is in direct contrast to a "dry drunk" in which an individual remains sober, but is not involved in Alcoholics Anonymous. In these cases, the possibility for continued violence is high contrasted with those involved in AA, when the possibility for violence is extremely low.

Content.—The content of the instructional material was developed to address ways in which the battering behavior could be alleviated. The methods which were employed include: (1) a multifaceted exploration of the dynamics of intimate relationships; (2) specific techniques regarding control of violent behavior; and (3) treatment of alcoholism/drug abuse by utilizing education and confrontation techniques.

Using the methods mentioned above, the content material is examined through a series of systematic didactic presentations. Being a nonvoluntary, court-ordered treatment program, the clientele are typically resistant and hostile toward therapeutic intervention. Acknowledging this, the group leadership is initially directive and instructional in style. The attempt is to engage the clients by providing them with information relevant to their situation while requiring minimal participation beyond their attendance at meetings. The opportunity for the client to express opinions regarding the presented material or any other subject is made available in each session. Gradually, the group members become more willing and ready to participate.

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[4] The Alcoholics Anonymous program embodies a life philosophy that addressed a person's physical, emotional, and spiritual needs. Central to the program is the practice of its "Twelve Steps" which is dependent on continuous support of and sharing with others in the program. As a result, violence would obviously be considered contradictory to the practice of the "Twelve Steps."

The didactic content of the men's groups is quite varied, emphasizing information about violence, emotions, roles, and relationships.

The meetings begin with an identification of general learned patterns of violence in the larger society: i.e., our government's use of military power as a negotiating arm in the world, socialization, television programming which romanticizes violent themes, etc. Gradually, the "violence" theme is narrowed, until members are asked to consider the extent of violence in their families of origin and, finally, in their own intimate relationships. In particular, the men are alerted to the battery cycle as identified by Walker (1979)[5] and are asked to consider their own behavior in terms of that cycle.

The general approach to all subject matter is done with the purpose of enhancing consciousness of the existence and function of some very basic human emotions. In particular, the groups are sensitized to the topic of the emotions of anger and frustration. The use of charts and anger diaries is emphasized. In addition, teaching the identification of these feelings as well as alternative subsequent behaviors is emphasized. Focus is directed to becoming conscious of separating the emotions of anger and frustration from the behavior that follows, providing added alternative choices for behaviors which can express these emotions without violence.

Anger is looked at in terms of how it is often used as a cover for the expression of feelings traditionally identified as "feminine," such as sadness, hurt, compassion, and guilt. Members are asked to present anger-producing situations and attempt to identify underlying feelings.

Men's and women's roles are then examined in relation to the attitudes that the members have toward these roles. It is pointed out that there is a wide variance in our society regarding these attitudes, and the differences that do exist frequently breed conflict in relationships. Understanding what our attitudes are, however, can help to determine what approach to take in terms of alleviating that conflict.

In the area of relationships, the issues of trust, communication (verbal, nonverbal, and behavioral), and expectations are discussed with an emphasis on the didactic approach. Films, role plays, and group exercises are frequently incorporated into the lecture presentations.

In conjunction with presentation of the didactic material, the leadership encourages use of group time for members to discuss specific problem areas they are experiencing and use of the group format as a method of problem-solving.

The content of the alcoholism group comprises much of the material presented above, but the focus is on the use of mood altering chemicals and how they interfere with basic human functioning. The primary function of this group is on confrontation of the illness. This is approached by addressing the denial symptom of the illness and attempting to help the member accept this illness.

The following topics are presented to facilitate understanding of the disease: (1) generalization of alcoholism to the larger society; (2) overview of alcoholism as a disease; (3) overview of progressive nature of alcoholism; (4) discription of symptomatic behavior of alcoholism; (5) examination of effect of alcoholism on significant others; (6) exploration of individual group member's drinking patterns; (7) confrontation of denial; (8) steps to sobriety and its benefits; (9) examining consequences of continued drinking; and (10) resource information and referral.

Once acceptance of the illness is attained, a person becomes willing to accept needed help. Referral at that point to a hospital or to Alcoholics Anonymous is regarded as the most successful treatment of this disease.

The focus of the women's group is one of nurturance and support. Because a great deal of ambivalence is often experienced by these women, they are helped to clarify their feelings in a manner that then allows them to determine alternatives to accepting the battering behavior. Many of the topics addressed in the men's groups are also considered in the women's group. However, more attention is paid to the feelings of helplessness experienced by these women and attempts are made to help them exercise more control over their lives. In addition, the women are encouraged to remain in contact with each other outside of the group, since isolation is often a contributing factor to these feelings of helplessness.

Adjunct Services.—In addition to group treatment, several other services are offered as part of this program. For example, individual appointments are scheduled regularly with the client in order to determine any special problems or issues that need to be addressed outside of the group setting. Further, continued contact with the complaining witness is maintained in order to obtain additional information regarding the ongoing status of the relationship in terms of any further evidence or potential for physical abuse. Couples counseling is provided as requested or as a perceived need of the workers.

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[5] Walker, L.E., *The Battered Woman*. New York: Harper and Rowe Publishers, 1979.

Perhaps one of the most important additional services provided by this program lies in the area of crisis intervention. Because of the seriousness of domestic violence in terms of its ongoing volatility, the potential for explosive situations to arise is heightened. The group sharing experience combined with consistent contact with the ongoing caseworkers provides an atmosphere of trust, which is frequently actualized and solidified when a crisis occurs.

Consequently, it is important that intervention be provided at these critical points in order to solidify the client-caseworker relationship and to facilitate and/or encourage alternative methods of handling potentially abusive situations. With this in mind, a team of two caseworkers responds by making contact with the client and/or partner.

Since the initial contact is by phone, the seriousness of the situation is immediately assessed and suggestions are provided at that time in an attempt to alleviate any potential explosiveness that might result. A determination is then made as to whether inperson contact is needed and, if so, a male-female team responds. Once the field visit is underway, further decisions are made regarding contact of other agents: i.e., hospitals, police, shelters, etc. The case is then followed through until the crisis has been abated. Followup services by way of phone and inperson contacts are also provided.

Referrals to outside agencies are also made during the course of the program or after completion, depending upon the expressed or apparent need of the client or the complaining witness: i.e., legal services, shelters, mental health facilities, alcoholism treatment centers, etc.

In order to facilitate widespread knowledge and use of the Domestic Violence Program, community education services are also provided. In addition, speaking at conferences, meeting with interested community groups, and consultation with various agencies are encouraged.

Supervision/Administration

The supervision of the development and implementation of a new program requires utilization of skills not necessarily tapped in the individual supervision of workers assigned to established programs. The supervisor is faced with several important tasks: role definition; representation of the program's performance and needs; protection and safeguarding the program from outside interference; and, above all, patient diplomacy both inside as well as outside the Department.

Conclusion/Implications

The Domestic Violence Program is an attempt to assist in alleviating violent domestic relationships. It operates on two premises: That family violence should be considered a crime and that the safety of the individual is emphasized over the right of the individual to make choices for himself that include harming another. Because of the nature of the problem of spousal abuse and the reluctance of those affected by it to seek treatment, a form of coercion is an essential component at this time to its resolution. It gives the court necessary control over the offender while assuring the victim that the court is necessarily responsive to her request for assistance. Possibly the most overriding justification for this type of mandatory program is the fact that it appears to be a reflection of the changing attitudes toward the family system. Historically, the family has been considered as a sanctuary, a respite from the impersonal and violent laws of the larger society. The integrity of the family system has frequently received more consideration than the safety and civil rights of its members. The belief that "a man's home is his castle" and that outsiders are not to interfere in private family matters is still widespread. However, the recent explosion of this belief system, and the recognition that violence is and has been an integral part of this system, has sparked a reevaluation of familial relationships and a desperate need for change.

Part of this change must include an examination of male and female roles in light of contemporary society. It may also mean that, before we reach the stage when prevention of violence in the family is achieved, we must demand that those who engage in physical abuse within the home be forced to participate in mandatory programs, such as the one described in this article or suffer more serious consequences. Ultimately, of course, it is hoped that compulsory participation will not be required, but that persons will be able to seek assistance from a network of facilities designed to focus on the problems existent in violent family relationships.

Issues in Planning Jail Mental Health Services*

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THERE are few problems in the management of the local jail that currently receive more attention than that of the mentally ill jail inmates. Such inmates cause serious disruption to jail programs and often present critical problems of personal safety. While many organizational and inmate needs associated with the volume of mentally ill inmates are evident, little attention has been given to the detailed planning of services for the vast array of local jails. This may, in part, grow from the recommendations of the National Sheriff's Association,[1] the National Advisory Commission on Criminal Justice Standards and Goals,[2] and the National coalition for Jail Reform[3] that the mentally ill not be housed in detention facilities.

Such proposals to divert disturbed offenders are based on both humanitarian and practical grounds—humanitarian because jails often lack the staff and facilities to provide adequate care; practical because the presence of even a few mentally ill individuals can be highly disruptive in a setting where routine and passivity are encouraged. Nevertheless, only the most seriously disturbed offenders can now be taken out of the jail and placed in mental health facilities. The number of state mental hospital beds has been sharply reduced in the past 15 years, and continued fiscal and legal constraints make substantial expansion of these services improbable. Jail administrators must, therefore, make arrangements to meet the psychiatric needs of those who remain in their custody and, indeed, these needs are substantial.

Kal's random sample of inmates in the Alameda County (California) Sheriff's Facility produced an overall morbidity rate of 50 percent among females and 63 percent among males.[4] Arthur Bolton Associates assessed randomly selected inmates from five county jails in California.[5] Their two-part screening and diagnostic process indicated that 6.7 percent of the inmates were psychotic, 9.3 percent had a nonpsychotic mental disorder, and 21.0 percent had some form of personality disorder. Reports from jail medical units are also alarming. In Dade County, Florida, the three most common problems identified during sick call in 1973 were drug abuse (18 percent), anxiety and depression (9 percent), and phenothizide-responsive emotional disorders (9 percent).[6] More recently, Demers and Walsch found that over a 2-month period at the Seattle-King County Jail in Washington, mental disorder was the third most common ailment confronting medical personnel and was the cause of 8.1 percent of all referrals.[7]

Despite the seriousness of the problems and the frequently direct role of the courts in requiring services under inmates' constitutional rights to health care, there is very little information available to guide the planning of jail mental health programs.[8,9] Eckerman argues that corrections generally is probably "less dependent on organized facts than any other American enterprise interested in continued growth and support."[10] The literature on jailhouse medicine has been characterized as "interesting but usually worthless subjective discussions by physicians of their personal experiences or reports of special one-time epidemiologic screenings."[11] Typical of the few reports which make specific recommendations on jail psychiatric services are the case histories published by Nielson,[12] Haley,[13] and Russell[14] and the even more descriptive work such as Zimmerman, et al.[15] on jail mental health screening programs. While informative, such accounts provide few insights into the broader issues involved in delivering jail mental health services and into alternative ways of meeting inmate needs.

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[1] National Sheriff's Association, *Jail Administration* (District of Columbia, National Sheriff's Association, 1974).

[2] Brodsky, Stanley, "A Bill of Rights for the Correction Officer," *Federal Probation*, 38(2) (June 1974).

[3] Bogira, Steve, "Psych Team," *Chicago Reader*, 10(27) (April 10, 1981).

[4] Kal, Edmund, Letter to the Editor, *American Journal of Psychiatry*, 134(4) (April 1977).

[5] Arthur Bolton Associates, *A Study of the Need for an Availability of Mental Health Services for Mentally Disordered Jail Inmates and Juveniles in Detention Facilities*, report prepared for the California Department of Health (October 1976).

[6] Engebretsen, Bery and Jane Olson, "Primary Care in a Penal Institution," *Medical Care*, 13(9) (September 1975).

[7] Demers, Raymond and Kevin Walsh, "Use of Medical Services During a 2-Month Period in the Seattle-King County (Washington) Jail," *Public Health Reports, 96(5) (September-October 1981).*

[8] *McCarthy, John, "Contract Medical Care: Prescription for Change," Corrections Magazine*, 8(2) (April 1982).

[9] *Estelle* v. *Gamble*, 429 U.S. 97 (1976).

[10] Eckerman, William, *A Nationwide Survey of Mental Health and Correctional Institutions for Adult Mentally Disordered Offenders* (District of Columbia, U.S. Government Printing Office, 1972), p. 2.

[11] Goldsmith, Seth, *Prison Health*, (New York, Prodist, 1975), p. 14.

[12] Nielsen, Eric, "Community Mental Health Services in the Community Jail," *Community Mental Health Journal*, 15(1) (1979).

[13] Haley, Michael, "Developing a Program of Mental Health Services in a Rural County Jail," *Hospital and Community Psychiatry*, 31(9) (September 1980).

[14] Russell, William, "Mentally Ill and in Jail," *Advance* (Spring 1980).

Part of the problem in designing appropriate mental health services for local jails is the diversity of these facilities. The U.S. Department of Justice defines a jail as "a locally administered confinement facility authorized to hold persons awaiting adjudication and/or those committed after adjudication to serve sentences of one year or less."[16] This definition excludes both state prisons housing convicted felons and state-operated local correctional facilities in Alaska, Connecticut, Delaware, Hawaii, Rhode Island, and Vermont. Local lock-ups where a person might be held for up to 48 hours following arrest are also excluded, despite articles by Schleifer, et al., and others which inappropriately use the term "jail" to describe such lock-ups.[17] In 1978, there were 3,493 jails in the United States[18] ranging from single cell facilities to New York City's jail system which alone accounts for 11 percent of the Nation's total detainee population and handles over 100,000 people every year.[19] However, only 130 jails (4 percent) in the entire country have an average daily population exceeding 250 inmates.[20]

Given the wide range in daily average number of inmates, it would be expected that mental health service needs will vary tremendously by the size of the jail. Furthermore, on a more theoretical level, size has been shown to have significant effects on many organizational properties in a wide variety of organizations such as managerial practices,[21] employee performance,[22] individual stress[23] and organizational structure.[24,25] Nevertheless, there is no indication in the literature of specific ways in which size must be factored into planning for jail mental health services. Certainly, existing program standards provide little guidance. These standards offer no program alternatives depending on the size of the jail.

Intuitively, one might expect that the sheer number of mental health services offered would be directly related to jail size. A national survey conducted by LEAA in 1972 provides tentative support for such a hypothesis. Analysts found that in-house medical facilities were available at 5 percent of the small jails, 30 percent of the medium size jails, and 60 percent of the largest jails.[26] One might also suspect that the smallest jails would be the most dependent upon community agencies for inmate mental health services, but this remains to be determined empirically. In fact, there has been no systematic study to determine how jail mental health programs do vary by size. Particularly important in these times of constricting human service resources, is how jails' abilities to take advantage of existing community mental health programs may vary by the size of their inmate populations.

Our goal in this article is to assess how the range and structure of mental health services varies by facility size in a national sample of 43 jails. By developing a descriptive overview of these programs, a clearer picture of the range and composition of mental health services for jails of different sizes will come into focus. A consideration of the patterns in these types of programs will also provide insight into the constraints under which jail mental health services operate and how jails have responded to them. Further, these assessments may provide some guidance for the practical problems of tailoring mental health program standards to the full range of United States jails.

Methods

Data were collected during visits to 43 jails in 42 communities in 26 states between February and August of 1981. Thirty-two of the sites were chosen because they had sent representatives to a special national workshop sponsored by the National Institute of Corrections in the fall of 1979. The workshops were conducted in Hyannis (Massachusetts), Atlanta (Georgia), and Boulder (Colorado) to develop specific strategies for enhancing the quality of mental health care in each jail. The remaining 10 sites were chosen because of their reputations as having model programs or because the courts had recently ordered extensive improvements in existing services. No site was eliminated from the sample because of refusals by jail or mental health officials to participate in the study.

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[15] Zimmerman, Joel, et al., *Forensic Mental Health Screening and Evaluation in Jails* (Williamsburg, Virginia, National Center for State Courts, 1981).

[16] U.S. Department of Justice, *Profile of Jail Inmates, Sociodemographic Findings from the 1978 Survey of Inmates of Local Jails* (District of Columbia, U.S. Government Printing Office, October 1980), p. 1.

[17] Schleifer, Carl and Robert Derbyshire, "Clinical Change in Jail-Referred Mental Patients," *Archives of General Psychiatry*, 18 (January 1968).

[18] National Institute of Justice, *American Prisons and Jails* (District of Columbia, U.S. Government Printing Office, 1980).

[19] Malcolm, Benjamin, "Today's Problems in Penology," *New York State Journal of Medicine*, 75 (September 1975).

[20] National Institute of Justice, *op. cit.*

[21] Mahoney, Thomas, et al., "The Conditioning Influence of Organizational Size on Managerial Practice," *Organizational Behavior and Human Performance*, 8(2) (October 1972).

[22] Meltzer, L. and J. Salter, "Organizational Structure and the Performance and Job Satisfaction of Physiologists," *American Sociological Review*, 27(3) (June 1962).

[23] Kahn, R., et al., *Organizational Stress: Studies in Role Conflict and Ambiguity* (New York, John Wiley and Sons, Inc., 1964).

[24] Hall, Richard, et al., "Patterns of Interorganizational Relationships," *Administrative Science Quarterly*, 22(3) (September 1977).

[25] Blau, Peter and Richard Schoenherr, *The Structure of Organizations* (New York, Basic Books, 1974).

[26] Anno, B. Jaye and Carlton Hornung, *Summary of an Evaluation of the AMA's Program to Improve Health Care in Jails*, paper presented at the Second National Workshop on Criminal Justice Evaluation (September 1978).

In this study a "small" jail was defined as having an average daily population of fewer than 50 inmates. Eight jails fell into this category ($\bar{X}$ = 33). The smallest had 15 prisoners on a typical day. A "medium" size jail was considered to have between 51 and 250 inmates. Half of the jails studied (N = 22) were within this range and had an overall average population of 133. The "large" jails had 251 or more prisoners in custody. Except for one jail with an average daily population of 1,575, the large jails studied here ranged in size from 320 to 630 ($\bar{X}$ = 448).

Each of the 42 sites was visited for 2-3 days by a two-person team that used a semistructured interview schedule. The program descriptions were obtained from the mental health program chief at each jail or from the sheriff where there was no jail program chief. Interviews lasted about 1 hour and focused on the volume and structure of services in eight specific areas that we felt would represent a full range of mental health services. Seven (intake screening, the distribution of psychotropic medication, psychological therapy, drug and alcohol counseling, evaluations, hospitalization of the acutely mentally ill, and case management at release) were selected after consulting jail mental health standards developed by the American Association of Correctional Psychologists,[27] the American Medical Association,[28] and the American Correctional Association.[29] The eighth service, examination for competency to stand trial, was included because psychiatric services for jail inmates are sometimes arranged via the competency examination process.

Findings

In examining the data in table 1, it is clear that the primary emphases in the mental health programs are on problem identification and psychotropic medication. Also, every jail had some type of inpatient hospitalization option available and 40 of the 43 provided evaluations for competency to stand trial. Counseling was available in 33 percent of the jails and some form of drug or alcohol programs in 63 percent. Referral programs to link inmates with identifiable mental health problems to community programs were available in only 46 percent of the jails studied. Given the fast-turnaround of jail inmates, especially as compared to state prison populations, emphasis on identification and crisis stabilization would seem appropriate. However, linkages to community programs, if any actually exist for this population, are infrequent, although they would seem appropriate.

TABLE 1.—*Mental Health Services Provided by Sample Jails*

Type of Service	*Number of Jails Providing*	*% of Jails Providing*
Mental Health Screening	34	79%
Evaluation	42	98%
Psychotropic Medication	43	100%
Competency Examinations	40	93%
Drug/Alcohol Treatment	27	63%
Therapy/Counseling	14	33%
In-Patient Hospitalization	43	100%
Case Management at Release	20	46%

From a planning standpoint there are a number of important issues masked by the distribution of services presented in table 1. The first is "who does (or should) provide the specific service." As can be seen in table 2, there are substantial differences in how each type of service is provided. A core set of services are provided inside the jail, i.e., screening, medications, and counseling. Inpatient hospitalization, on the other hand usually occurs outside the jail or in some combination between the jail and a mental health agency, usually a state mental hospital. Also, competency examinations, which are done at the request of the court are con-

TABLE 2.—*Jail Mental Health Services by Location and Auspice*

	Location of Services			
	In Jail	*Outside Jail*	*Combination*	*Total*
Screening	34	0	0	34
Evaluations	19	20	3	42
Medication	41	2	0	43
Competency	8	24	8	40
Therapy	11	1	2	14
Drug/Alcohol	25	0	2	27
Hospitalization	0	37	6	43
Case Management	18	1	1	20

	Auspice			
	Jail Staff	*Mental Health Staff*	*Jointly*	*Total*
Screening	32	0	2	34
Evaluations	5	22	15	42
Medication	35	7	1	43
Competency	0	39	1	40
Therapy	4	12	2	18
Drug/Alcohol	2	20	5	27
Hospitalization	0	39	4	43
Case Management	8	4	8	20

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[27] American Association of Correctional Psychologists, "Standards for Psychology Services in Adult Jails and Prisons," *Criminal Justice and Behavior*, 7(1) (March 1980).

[28] American Medical Association, *Standards for Health Services in Jails*, (Chicago, American Medical Association, September 1981).

[29] American Correctional Association, *Standards for Adult Local Detention Facilities* (College Park, Maryland, American Correctional Association, April 1981).

ducted predominantly outside the jail. However, in 20 percent of the sites these examinations are conducted in the jail and in another 20 percent of the sites they are conducted in some combination of internal and external locations. Surprisingly, in 20 of the 43 jails, the mental health evaluation occurred outside of the jail. Given the frequent comments we heard during the site visits concerning the decreased availability of state hosptial beds for jail inmates and inmates' undesirability as CMHC clients, it was unexpected that so many jails would conduct routine evaluations outside the jail. This was, in part, a result of using CMHC's for outpatient evaluations while jail staff remained for security purposes.

Just as there were few surprises on the location of the jail mental health services, so too there was little unanticipated in *who* runs the program. What may seem unusual in table 2 is that medication came under the auspices of jail staff. This is the case since nurses for the most part dispense the medications that are prescribed by the jail physician. Since auspice was measured by who paid the staff, nurses and physicians were counted as jail staff although these professionals may be thought of as mental health related.

Having demonstrated the variations in *where* and *by whom* the services are provided, there are still some hidden planning issues. These relate to how the availability of these services and their location and management vary by the size of the jail. These differences are displayed in table 3. In reviewing these data, it is useful to consider each type of jail in turn.

Small Jails

Officials at all of the small jails (N = 8) in the sample had inmates who were thought to be mentally disturbed, provided inmates with prescribed psychotropic medication, and made arrangements for inpatient psychiatric care when necessary. Pretrial inmates were held at 7 of the jails, and all had mechanisms for inmate competency evaluations. Six of the 8 jails (75 percent) also screened incoming prisoners for mental illness; 5 (63 percent) provided some form of drug and/or alcohol counsel-

TABLE 3.—*Variation in the Location and Auspice of Mental Health Services Provided in Jails of Different Sizes*

JAIL MENTAL HEALTH SERVICES: PROGRAM OPTIONS BY SIZE OF JAIL

Location	*Jail*	*Jail*	*Jail*	*Combo*	*Combo*	*Outside Jail*	*Not Offered*	*TOTAL*
Auspice	*Jail*	*M.H.*	*Joint*	*M.H.*	*Joint*	*M.H.*		
SMALL								
Screening	6	•	•	•	•	•	2	8
Evaluations	•	2	•	3	1	2	•	
Competency	•	•	•	1	•	6	1	
Medical Distribution	7	•	•	•	•	1	•	
Drug/Alcohol	•	5	•	•	•	•	3	
Therapy	•	•	•	•	•	•	8	
Case Management	•	•	•	•	•	•	8	
Hospitalization	•	•	•	•	•	8	•	
MEDIUM								
Screening	17	•	•	•	•	•	5	22
Evaluations	1	1	5	7	6	1	1	
Competency	•	6	•	5	•	11	•	
Medical Distribution	19	1	1	•	•	1	•	
Drug/Alcohol	2	9	2	1	•	•	8	
Therapy	2	4	2	1	•	1	12	
Case Management	6	•	4	•	1	1	10	
Hospitalization	•	•	•	•	•	22	•	
LARGE								
Screening	9	•	2	•	•	•	2	13
Evaluations	4	5	1	1	2	•	•	
Competency	•	2	•	1	1	7	2	
Medical Distribution	9	4	•	•	•	•	•	
Drug/Alcohol	•	5	2	•	1	•	5	
Therapy	•	3	•	1	•	•	9	
Case Management	2	3	3	•	•	•	5	
Hospitalization	•	•	•	2	4	7	•	

ing. Neither psychological therapy nor case management was available at any of the facilities.

Although the jails were located in 7 different states from Washington to New Hampshire, it can be seen in table 3 that there was almost no variation in the pattern of service which emerged. The only services that were done almost exclusively by jail staff were intake screening and the distribution of medication. One highly atypical jail with an average daily population of 19 employed a full-time program coordinator who conducted evaluations. All other mental health services in all other small jails were provided by external agencies.

Intake screening and drug/alcohol counseling were always done at the jail. Conversely, inmates needing competency exams or inpatient psychiatric hospitalization were uniformly sent to facilities outside the jail. Inmates received medication inside the jail at 7 of the 8 sites, the only exception being a town where inmates received their medication at a local hospital. It is probably more desirable from a medical standpoint to have medicine administered by nurses rather than correction officers, but jail officials conceded that the procedure is a logistical nightmare. The only mental health service varying by location was mental health evaluation after screening. Two sites had evaluations done at the jail, 2 arranged to have them done outside the jail, and at 4 sites, evaluations were done both inside and outside the jail.

The range of services provided by small jails was to be very limited. There is almost no variation in auspice. Most of the jails did have rooms where evaluations and substance abuse counseling are provided, however, so spacial constraints would not appear to be the reason why therapy and case management are not provided. However, the most notable finding is the complete absence of counseling/therapy and case management. Also, 2 of the 8 small jails offer no mental health screening at all.

Medium Jails

Inmates at all 22 medium size jails received evaluations, medication, competency exams and psychiatric hospital care, when necessary. (The one jail coded as not evaluating mentally disturbed inmates held only pretrial inmates, and those who behaved bizarrely were assessed within the competency exam.) Similar to the small jails, drug/alcohol counseling was available at 64 percent of the facilities, and 77 percent did intake screening. Therapy and case management were both offered at about half of the medium size jails studied, in contrast to none of the small jails.

Medium size facilities were not quite as dependent upon outside agencies as the small jails, but many of the same patterns still emerged. Once again, screening and the distribution of medication were primarily the responsibility of jail personnel, while competency exams and hospitalization services were provided entirely by mental health staff. Of the four remaining services, only psychological therapy was given predominantly by mental health staff acting alone. Evaluations, drug/alcohol counseling, and case management referrals were done by jail staff at at least half of the locations. Table 3 clearly indicates, however, that these services were actually being offered under joint auspices in many instances.

Intake screening, medication distribution, drug/alcohol counseling, therapy, and case management services were typically offered within the jail. As was the case with the smaller facilities, no medium size jail had the internal capacity to treat inmates in need of inpatient psychiatric care. The location of evaluations and competency exams did frequently vary. Most jails (59 percent) had the option of having inmates evaluated either inside or outside the jail. At only one site were correctional officials unable to conduct evaluations within the jail itself. In contrast to none of the 8 small jails, 6 of the 32 medium jails did conduct competency exams within the jail.

As might be expected, administrators of medium size jails seem to have a bit more flexibility when making arrangements for mental health services than their counterparts in jails with populations of less than 50. Most employed at least some mental health staff of their own, and of the 8 services studied, only hospitalization was not provided inside any of the jails.

Large Jails

Perhaps the most notable characteristic of mental health service delivery in large jails is the frequency with which the same service is offered by both jail and mental health personnel. Mental health staff helped distribute medication at one-third of the large jails in the sample, a practice not found in either small or medium size facilities. Similarly, only in the large jails do mental health staff occasionally (15 percent) assist in the screening of new inmates for mental illness. In fact, there was not a single service in the large jails that was not jointly administered in at least some locations. Only one instance of a joint program, by contrast, was found in the small jails.

Perhaps the most significant difference in the large jail programs is that 6 of the 13 offer inpatient hospitalization *within* the jail as well as outside the jail. Apparently some critical mass is essential in terms of either physical space and/or staff before some economy of scale permits or encourages such a program. All six inpatient in-jail programs among the 43 sites were the large jails.

It will be recalled that the largest jail in the sample had an average daily population of 1,575. Individuals incarcerated at this site were assigned to one of several buildings spread throughout the city, so perhaps the "jail" is actually better described as a jail system. Prisoners were received and classified at a central facility. Booking officers made an initial visual assessment of mental stability and then punched answers to key questions directly into a computer which was monitored by two psychiatric nurses on a terminal in the infirmary. In addition to the nurses, three psychiatrists and six social workers provided mental health services, a ratio of one professional for every 143 inmates. These staff members worked full-time at the jail but were employed by a local mental health center affiliated with the department of psychiatry at a large university. Inmates had access to all of the services studied in this report. Jail officials had both a regular infirmary for inmates with physical ailments, and a 64-bed psychiatric unit. Only 32 of the beds were filled due to a shortage of personnel, but staff did provide the supervision necessary to establish a therapeutic community, a service not available at any of the smaller jails. It is not known how closely the mental health services available here resemble those provided in the other mega-jails. The range and depth of service delivery does, however, clearly surpass those provided in jails with fewer than a thousand inmates.

In reviewing the results presented thus far, it can be seen that officials in jails of all sizes distribute psychotropic medication, arrange competency exams and psychological evaluations when necessary, and have access to facilities where inmates can receive inpatient psychiatric care. The availability of the four other services did not vary as much by size as some might have predicted. Table 4 demonstrates that screening and drug/alcohol counseling are offered by about the same proportion of jails in all categories. This phenomenon may be due to the fact that neither service necessarily places excessive organizational demands on the jail. Incoming prisoners must be processed anyway, so the booking officer could very easily ask a few questions pertaining to past or present mental illness. Likewise, the provision of drug/alcohol counseling may simply be a matter of inviting the local chapter of Alcoholics Anonymous to meet with inmates once or twice a week. It is perhaps surprising that these services had not been implemented at even more jails.

Providing inmates with therapy and referrals to mental health agencies at release requires considerably more effort. None of the small jails in the sample arranged for inmates to receive these services, but there is no significant difference in the extent to which the medium and large jails were able to do so. Size thus does *not* appear to be a consistently significant variable when trying to predict whether or not a given jail will offer a specific service.

Size influenced the location of service delivery only with regard to competency and hospitalization, the larger jails being more likely to have both done internally. The other services were almost always done at the jail. The location of evaluations did vary widely (42 percent inside the jail only, 30 percent outside the jail only, and 28 percent combination), but the variation was observed uniformly in jails of all sizes.

As expected, almost by definition, mental health agencies provided most of the "treatment" services (psychological therapy, drug/alcohol counseling, and hospitalization) regardless of jail size. Correctional staff, on the other hand, typically did most of the identification and referral services (screening, case management) and distributed medication prescribed by treatment authorities. Both did evaluations. It can be seen in table 5, however, that the medium size facilities are actually *more* likely than the large jails to employ staff who provide these services. (The small jails were excluded from this table because they provide none of these services themselves.) It

TABLE 4.—*Percent of Sample Jails Offering Specific Mental Health Services By Size of Jail*

	Small	*Medium*	*Large*
Screening	75	77	85
Drug/Alcohol Counseling	63	64	62
Psychological Therapy	0	45	31
Case Management at Release	0	55	62

TABLE 5.—*Percent of Medium and Large Sample Jails Employing Staff Who Provide Specific Mental Health Services*

	Medium	*Large*
Drug/Alcohol Counseling	18	23
Evaluations	55	54
Psychological Therapy	18	0
Case Management at Release	50	38

had been thought that the largest jails would be the most likely to hire mental health staff due to the economy of scale, but the organizational environment may be so rich that they can receive desired services from community agencies without having to invest scarce resources of their own. If, in fact, this explanation is correct, then the nature of service delivery patterns has come full circle. The small jails have no choice but to develop inter organizational linkages with community voluntary and public sector mental health programs. The large jails may not *need* to cultivate such interorganizational contracts, but often choose to do so regardless.

Discussion

Not every jail will need, be able to afford, or should have a comprehensive mental health program. Jail budgets tend to be small and the space within the facility where services can be delivered is often quite limited. Most jails are run by county sheriffs, moreover, who may be concerned primarily with apprehending offenders and keeping them safely for arraignment, trial, or short sentences. Treatment of any sort is not included in this mission either by mandate or by orientation. Nonetheless minimal mental health services are required constitutionally and often are needed to meet the safe custody mandate. Curiously, the standards proposed by professional organizations to guide the implementation of mental health services in local jails provide few, if any, concrete guidelines for developing even minimum programs.

Obviously, there is no single arrangement which could consistently yield the "best" or most effective results for organizations varying as widely as do local jails. Here we have focused on how programs vary in the services provided by the jail size. Newman and Price[30] suggested two other key dimensions that lead to at least four different administrative options for delivering services for local jails. (Also see Morgan[31] for an adaptation of this framework to several model jail mental health programs.) They developed a typology after examining the delivery of drug services at 188 jails from around the country. The key dimensions, in their opinion, were the location and auspice of drug services they studied. Each may also have significant implications for the ways in which mental health services are delivered. The first type is a strictly *internal* system whereby all staff and needed resources are drawn from within the jail itself. Internal service delivery minimizes coordination and security risks, but the financial burden is probably greater than most facilities are able to bear. However, due to an economy of scale and physical plant requisites, an entirely internal model is probably feasible only in very large jails.

Many of these problems can be overcome by using an *intersection or linkage* model of service delivery. In the intersection model, services are provided by external agencies either at the jail or on the premises of the organization providing the service. The intersection model was seen as being best in medium size jails where it would be feasible for one person to coordinate all communication with outside agencies. A linkage arrangement has an external agency act as a broker that refers jail inmates requiring services to appropriate organizations in the community. The idea of using community resources to meet prisoner needs may be very appealing to jail administrators, but services are more difficult to coordinate, and sheriffs may be reluctant to have an inmate treated by someone who reports only to an outside authority.

The fourth and most complex arrangement is the *combination* system. Services are provided collaboratively by jail and mental health staff at locations both inside and outside the jail. This arrangement probably generates the greatest volume of services. It also makes coordination the most difficult. An astute administrator will be needed to prevent duplication and discontinuity in service delivery.

All the Newman-Price types, except the internal type, suggest the importance of interorganizational linkages for jails of all sizes. However, even large jails may require links to outside mental health agencies. As jail size increases, administrators are more likely to be in a position to hire their own mental health personnel. Ironically, the large jails also tend to be located in heavily populated areas where mental health care is easier to obtain from community agencies. As part of a state-side analysis of criminal justice-mental health interactions in Kansas, Porter, et al., specifically compared the characteristics of community mental health centers in metropolitan regions with those situated in more rural areas. They concluded that officials of mental health centers in the city "more often have a conception of community service and the staff capability for providing consultative and educational service to non-medical agencies such as the criminal justice system."[32] So while medium and large jails tend to be less dependent on mental health agencies than small facilities, they may still use them due to their more ready availability. Newman and Price were probably correct when they observed that only a large jail would be able to support an internal system, but only one of the large jails in the sample had the space and staff to provide all services (other than competency and hospitalization) internally. Yet, that one jail offered inmates only one of the four optional services. Indeed the largest sample jail was as dependent as the smallest on outside agencies in that its entire nursing, psychological and psychiatric staff was actually on the payroll of a mental health center.

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[30] Newman, Charles and Barbara Price, *Jails and Drug Treatment* (Beverly Hills, Sage Publications, 1977).

[31] Morgan, Carole, *The Special National Workshop on Mental Health Services in Jails*, unpublished report, 1979.

Clearly, then, there are issues in both how mental health services are to be arranged as well as what services can or must be provided that have been little considered by the correctional and mental health professions. Whether for safety, administrative, or therapeutic reasons one would prefer to transfer all mentally ill inmates to specialized mental health facilities is irrelevant. Given current realities of mental health financing at state and Federal levels, the number of beds needed at the county level for all mentally ill jail inmates will not be available in the near future. Rather, practical planning strategies must be developed for the provision of at least minimum mental health services to a group badly in need of services. We have suggested some specific considerations from our national sample of 43 jail mental health programs. Simply promulgating standards is insufficient. Some detailed advice drawn from recent programatic experiences is essential. One starting point emerging from our data is that the basic arrangement of services must start with an awareness of jail size as a key factor. Also, the linkages between jails and mental health agencies are crucial considerations. Whatever the best long-range solutions, jails will continue to incarcerate individuals needing mental health services for the foreseeable future and must plan accordingly.

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[32] Porter, W. Lane, et al., *The Relationship Between the Kansas Criminal Justice System and the Kansas Community Mental Health Centers* (Topeka, Kansas, The Menninger Foundation, co., 1976), p. 30.

Victim Offender Reconciliation: An Incarceration Substitute?

BY HOWARD ZEHR, PH.D., AND MARK UMBREIT*

WE AMERICANS face a serious dilemma. On the one hand, fear of crime appears to be at a high water mark. Although there is substantial evidence that the fear of crime is out of proportion to the reality, the fact remains that many people are frightened.[1] Relatedly, demands for punishment of offenders are intense, resulting in harsher, often mandatory, sentences in prisons which are overflowing.[2]

At the same time, it is widely recognized that prisons do not work. Indeed, prisons often provide an unreal climate of brutality, intrique, dependence and control which make participants not more but less able to live as law-abiding citizens in a free society, and this may contribute to rather than reduce crime. Moreover, prisons are rapidly pricing themselves out of the market. The price of constructing and maintaining more prison cells is nearly prohibitive, and there is no way that supply can keep up with current demand.[3]

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PACT is a community corrections organization operating six programs for victims and/or offenders in 10 cities of Indiana, Illinois, and Ohio. These include a 15-bed halfway house, a 60-bed work release center, community service restitution program, victim-offender reconciliation programs, a jail services program, and a research and technical assistance program.

For those interested in more information or technical assistance, contact the PACT Institute of Justice, 106 N. Franklin, Valparaiso, Indiana 46383. The PACT Institute of Justice has recently established a national Victim Offender Reconciliation Resource Center with support from a number of sources, including the United Methodist Church, Mennonite Central Committee, and the Mary Reynolds Babcock Foundation.

[1] *The Figgie Report on Fear of Crime* (Willoughby, Ohio: Figgie International, Inc., 1981) as well as other studies have indicated a high level of fear, yet National Crime Survey statistics as well as others suggest that crime rates nationally are not as high as people perceive. Moreover, those social groups most fearful are often the least at risk. For an analysis of this phenomenon in regard to juvenile crime, see "Juvenile Crime/Juvenile Justice: The Need for a Proper Perspective," *The Justice Reporter* (9), as well as the research of Ira Schwartz, Hubert H. Humphrey, Institute of Public Affairs, University of Minnesota, Minneapolis, Minnesota 55455.

[2] The growth of prison population hardly needs documentation, but for recent figures see Krajick, "Annual Prison Population Survey: The Boom Resumes," *Corrections Magazine* (7) (2), 16-20.

All of this has led to a renewed discussion of alternatives to incarceration in the 1980's but in a somewhat different setting than was the case in the 1960's. Two critical questions emerge in the current decade. First, can "alternatives" be made to serve as real substitutes to incarceration? The track record so far is clear and not good. Alternatives have largely been alternatives to old alternatives or alternatives to nothing at all, not alternatives to prison. As a result, they have resulted in greater intervention and more persons under the jurisdiction of the state without impacting prison populations. In doing so, they have increased, not decreased, correctional costs. Second, can alternatives be designed which are not simply pragmatic, piecemeal solutions but instead make real sense for all concerned?

The first question, that of making alternatives to incarceration serve as actual substitutes for prison, is not easily answered but has been adequately diagnosed elsewhere.[4] The second, the search for alternatives that make sense to victims and offenders, needs to be conducted in the context of at least four issues or concerns. This article will focus upon both the identification of these issues and a description of a specific program that addresses these concerns—The Victim Offender Reconciliation Program.

The Victim Experience

That victims are largely neglected has become a familiar refrain, but what is not widely recognized is the dimension of victim suffering and need or its full relationship to the criminal justice process.[5]

The victim experience is a traumatic one, resulting in intense shock and pain that can disable. Criminal victimization is often a crisis experience similar to a natural disaster or serious illness. Moreover—and this goes contrary to the assumption of any criminal justice personnel—it is a traumatic experience not only with violent crime but also with property crimes, and this may be true as well for offenses which are often treated as minor. Victims of car theft as well as rape often experience shock, disbelief, confusion and feelings of fear and helplessness upon discovering the offense. They may experience a difficult adjustment during which they evidence wide swings of feelings and attitudes while they attempt to understand why it happened and why they responded as they did. Attempting to explain this upset in the order of their lives, they blame themselves and/or others. They receive little help in putting their lives back together again from criminal justice officials. Indeed, officials' seeming indifference or apparent cynicism may injure even more.

But victim neglect is not simply a result of indifference, it is a logical extension of a legal system which defines crime as an offense against the state. As one judge said recently, "I don't care what the victim or offender needs or wants, this crime (an assault) was against the state, and I'll take care of it as I see fit." What this view overlooks is that the true essence of a crime is the violation of one person by another. In many crimes as in rape, the offense is a violation of the self or an extension of the self, of one's private space, and that act upsets very basic assumptions of trust, order and autonomy.

Consequently, victimization sets up a series of needs that are usually unmet. There is, of course, a basic need for restitution—to be paid back for losses. Yet that rarely happens in a satisfactory way. Even more important—and this too is contrary to many assumptions—is the need for answers. Our experience, and at least one recent study, suggest that victims rate answers to the questions that bother them to be even more important that repayment.[6] Why me? How did this person know I was gone? What if I had been home? These questions nag at victims and are at the heart of the victim experience. It is difficult to overcome that experience without answers, yet answers rarely come. Victims also need an emotional outlet, a chance to vent the feelings generated by the offense, preferably to someone who is in some way responsible. Lacking that, they may direct these feelings toward criminal justice personnel. Finally, victims experience a need for the restoration of power and autonomy. One of the reasons that crime is so devastating is that it impresses upon us our vulnerability, undermining our sense of control over our lives. Victims need to be given a voice and listened to if they are to experience that restoration of power which is necessary for psychological wholeness.

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[3] Gail Funke, "Who's Buried in Grant's Tomb?, Economics and Corrections for the 80's and Beyond." Alexandria, Virginia: Institute for Economics and Policy Studies, Inc.; *American Prisons and Jails.* Volume One: *Summary and Policy Implications.* Washington, D.C.: ABT Associates, 1981.

[4] Excellent surveys of issues are provided by James Austin and Barry Krisberg, "Wider, Stronger and Different Nets: The Dialectics of Criminal Justice Reform," *Journal of Research in Crime and Delinquency,* 18 (1), 165-196, and by Eugene Doleschal, "The Dangers of Criminal Justice Reform," *Criminal Justice Abstracts,* 14 (1), 133-152, although Doleschal's final conclusion seemed fairly dubious.

[5] Excellent material on the victim's perspective is provided by Morton Bard and Dawn Sangrey, *The Crime Victim's Book* (New York: Basic Books, 1979) and in the various articles included in *Evaluation and Change,* Special Issue 1980. See also Burt Galaway and Joe Hudson, eds., *Perspectives on Crime Victims,* St. Louis: c.v. Mosby, 1981.

[6] Recent study by Professor Mike McGuire, Center for Criminological Research, Oxford University, England.

Left unmet, these needs leave victims with feelings of fear, distrust, guilt shame, anger and vulnerability. Stereotypes about the type of person who committed this offense are built up, contributing to fear and hostility. Worst of all, victims find it difficult to put closure on the experience, to put it behind them and look forward to the future.

Criminal justice alternatives do not make sense and cannot be successful politically or otherwise unless victims are part of the equation.

*Restitution**

Restitution to victims has a long tradition in western civilization—much longer, in fact, than imprisonment—and the concept of making things right to the person wronged has considerable inherent appeal. Nevertheless, during the past several centuries, restitution as a criminal sanction has come to play an insignificant role in criminal justice.[7]

While experiencing something of a revival in the past decade, its record has been spotty.[8] Restitution programs vary significantly from community to community. Even within a single jurisdiction, restitution is often employed in a highly unsystematic manner at the discretion and initiative of individual actors. Although many of these programs give lip service to victim needs along with a list of other goals, most restitution programs, in fact, have been operated at best as a means of making offenders accountable and, at worst, as one more way of instituting punitive sanctions for offenders. Real victim concerns are rarely taken seriously in either the structuring or operation of restitution programs and actual restitution to victims usually takes second place to goals such as punishment and rehabilitation. Victims may be consulted to help determine financial losses, but rarely are allowed to participate further.

Nor do offenders participate in most programs beyond receiving a restitution sanction and making payments through an impersonal agency. Consequently, restitution is experienced by offenders as a punitive sanction rather than a restoration of losses. The concept of restitution is on the right track—it recognizes that crime is a wrong done to a victim—but to fully implement the concept, restitution must involve victim and offender and address needs of both.

Offender Accountability

Most persons—specialists and laypersons alike—would agree that offenders must be held accountable for illegal behavior. Yet understandings of the meaning of accountability vary. In current criminal justice practice as in popular thought, accountability usually means that the offender must experience punitive consequences, whether the rationale be deterrence or punishment. This is, however, a limited and abstract understanding of accountability. Without an intrinsic link between act and consequence, there can hardly be a true accountability structure.

It is widely believed that many offenders in our society "get off easy." While that perception is not totally without foundation, we only recently are becoming aware of how many persons we actually punish and how severely we punish. Rates of incarceration which are among the highest in the free world certainly suggest that we are not the pushovers we are sometimes thought to be.

Neither response—imprisonment or nothing—gets at real accountability. To commit offenses and live with their behavior, offenders, like the rest of us, often construct elaborate rationalizations about their actions and employ stereotypes about the persons involved.[9] Nothing in our criminal process ever challenges those rationalizations and stereotypes. Offenders are rarely made to see the real human costs of what they have done. What is it like to have one's home burglarized, to wonder who did it and why, to live in fear that the offender might return? What kind of person is the victim? Real accountability includes an opportunity to understand the human consequence of one's acts.

Real accountability also includes taking responsibility for the results of one's behavior. Repayment can be one part of that process, but offenders should also be encouraged to help decide what will happen, to take ownership in the outcome. One reason for poor repayment rates in some restitution programs may simply be that offenders have not been encouraged to participate in the decision-making process, thus viewing restitution as simply one more sanction instead of a logical attempt to right a wrong and fulfill an obligation to another person.

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*Restitution is here defined as repayment of some sort to the actual persons or organizations victimized by the offender. It is distinguished from various types of symbolic restitution to the community such as community service restitution.

[7] For short stories of restitution, See Charles W. Colson and Daniel H. Benson, "Restitution as an Alternative to Imprisonment," *Detroit College Law Review*, Summer, 1980, 523-598; and Richard Hofrichter, *The Practice of Victim Restitution: A Victim Perspective*, Washington, D.C.: Criminal Justice and the Elderly Program National Counsel of Senior Citizens; and *Restitution to Victims of Personal and Household Crimes*, U.S. Dept. of Justice, Bureau of Justice Statistics, Analytic Report VAD-9, p. 2.

[8] Brief comments on restitution's recent record may be found in Hofrichter, *The Practice of Restitution*, p. 3-5, and in Burt Galaway and Joe Hudson, "Restitution as a Victim Service," *Evaluation and Change*, pp. 116-119. For an overview of restitution programs in the United States, See Anne Newton, "Sentencing Community Service and Restitution," *Criminal Justice Abstracts*, 11 (3), 436-468.

[9] For interesting discussions of stereotypes and rationalizations employed, see Willard B. Howard, "Dealing With the Violent Criminal: What to Do and Say," *Federal Probation*, 34 (1), 12-18.

Real accountability does not avoid consequences, but does involve the acceptance of responsibility for what happens to oneself and for what must be done to make things right. To maintain both program integrity and political practicality, alternatives must include genuine accountability.

Mediation

In his Annual Report on the State of the Judiciary at the American Bar Association in January 1982, Chief Justice Warren E. Burger called for increased consideration of mediation and other nonadversarial conflict resolution techniques.[10] He noted, as many have, that the "litigation explosion" is rapidly overburdening courts and that the availability of other conflict resolution mechanisms, while not displacing courts, could allow for more satisfactory settlements in many cases.

The Chief Justice's concern reflects a growing interest in mediation techniques. The past decade has experienced a blossoming of such programs in communities throughout the country. The American Bar Association's Special Committee on Alternative Means of Dispute Resolution published a directory in 1981 listing some 141 dispute resolution programs, and there are many other types of programs which utilize aspects of mediation as well.[11]

In the criminal process, the adversarial model has predominated. Nevertheless, a variety of experiments such as the Neighborhood Justice Centers have suggested that mediation has wide applicability to the criminal process.[12] Negotiation and confrontation between victim and offender offer real possibilities for meeting victim needs, facilitating restitution, encouraging offender accountability, and easing workloads for probation departments and courts.

While neighborhood dispute settlement and mediation programs are growing in popularity for minor disputes, the mediation model needs to be considered in designing alternatives to incarceration for at least some offenders.

VORP

The Victim Offender Reconciliation Program (VORP), which originated in Canada and has been pioneered in the United States through the joint efforts of PACT (Prisoners and Community Together), Inc., and the Mennonite Church, provides one sentencing alternative which attempts to confront these issues directly. The concept has attracted considerable media attention, as well as community and criminal justice system interest, throughout the United States and Europe during recent months, and is now being replicated in a number of communities.

VORP is a simple process which combines conflict resolution techniques with the concept of restitution. Upon court referral, victims and offenders who agree to participate are brought together in a face-to-face encounter. In this meeting, facts and feelings are explored and restitution agreements are worked out. A trained volunteer facilitator serves as a neutral third-party, arranging and chairing the encounter and assisting participants in finding a settlement.

Considerable emphasis in VORP sessions is placed upon expressing feelings and answering questions about the facts of the case. In this situation, victims are given a rare opportunity to express the intense feelings of frustration, hurt and anger directly to the person involved. Just as important, they are able to get answers to the questions which nag them: Why me? How did you get into my house? Did you have something against me personally? Have you been watching me? What could I have done to prevent this offense? What kind of person committed this offense? Once these feelings have been expressed and questions answered, the victim is able to participate in determining an acceptable form and schedule of repayment by the offender.

In short, the traumatic experience of being a victim can be processed more fully. Fears and anxieties can be dealt with. Stereotypes about offenders may be laid to rest, resulting not only in greater understanding of the offender but also reduced anxiety and suspicion for the victim. In place of the feelings of powerlessness and vulnerability which are often part of the victim experience, victims are empowered to participate in the solution to this offense. Most importantly, the experience can be brought to closure rather than left to fester.

The offender is held personally accountable through the VORP process. In a unique way, he/she is forced to confront the real consequences of his/her actions, to learn the human dimensions of a specific criminal act. Most offenders fail to realize, for example, the trauma which even a property offense can cause. Many offenders develop eloborate rationalizations which allow them to dehumanize the victim and thus commit their offense in "good conscience." They decide that the victim deserves what happened, can afford it, or that it's really only the insurance company that they hurt anyway. The confrontation with an actual person can strip away rationalizations and stereotypes. In addition, the offender is encouraged to take responsibility for his/her own actions and the consequences thereof since they too must participate in determining restitution. Finally, offenders are given a rare opportunity to show their own humanity, to even express sorrow and ask for forgiveness if they are so inclined, and thus to bring closure to the event for them as well.

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[10] The text that is provided in *Criminal Justice Newsletter*, 13 (3), 2-4.

[11] *Dispute Resolution Program Directory*, 1981, Larry Ray, ed.

[12] An introduction to Dispute Resolution is provided by James Garofalo and Kevin J. Connelly, "Dispute Resolution Centers," *Criminal Justice Abstracts*, 12 (3-4).

Central to the VORP concept is the use of community volunteers and an organizational base which, although working closely with the courts, is independent of them. There are several reasons for this. First, it is absolutely essential that mediators be neutrals and that they be seen as representing the community. Only a neutral can provide the atmosphere of free dialogue that is required, and the use of community volunteers is a way of empowering communities to begin addressing directly the problems they experience. Moreover, if the key goals of VORP are to be maintained—the emphasis upon healing relationshps, upon meeting both victim and offender needs—we believe it can be best done by independent community-based organizations. It would be all too easy to transform VORP into a way of simply exacting punishment and increasing the likelihood of collecting restitution, at the cost of failing to address emotional needs of victims and of increased state intervention into the lives of private citizens. It should be noted that VORP was actually brought to the United States by probation officers who soon realized the need for the program to have more of a community base of support through a private-sector organization.

Current VORP programs focus primarily on property offenses, although with judicial and client willingness some violent offenses are handled as well. Many would assume that the victim offender reconciliation process would be most relevant for "light weight" cases, and misdemeanors in particular. Yet the experience of the PACT programs, working in several cities of Indiana and Ohio, indicates that it works well with both juvenile and adult felony-level offenses, such as theft and burglary, which represent the largest proportion of serious crime in most communities. The desirability of VORP in working with patterned adult offenders who have multiple prior felony convictions is certainly questionable. On the other hand, for individuals without substantial prior prison exprience who are convicted on nonviolent felony offenses, who admit their guilt, and are willing to work with their victims, the VORP process has proven to be a low-cost and effective alternative sentence.

During the calendar year 1981, for example, a total of 180 cases were referred to the VORP program in Elkhart, Indiana (operated by Elkhart County PACT), with 85 percent of those being juveniles. Of the cases referred, 86 percent represented felony convictions, with theft and burglary being the most common charges. Nearly 70 percent of all cases referred resulted in an actual meeting between the victim and the offender, with restitution agreements resulting in almost all cases. While many programs throughout the country involve court-ordered restitution, the actual collection rate is rather low. With VORP, more than 75 percent of the agreed upon restitution is actually paid. This unusually high rate appears to result from a higher degree of personal accountability experienced by the offender in the VORP process.

A recent survey of eight additional VORP programs in the United States and Canada, conducted by the PACT Institute of Justice, indicated that 75 percent of these programs were administered by a private agency, with half of the local VORP programs receiving church related funds as their primary base of support. While four of the eight programs received client referrals at a postconviction level, only three received clients at both a pretrial and postconviction level. One program worked only at the pretrial stage. Half of the programs worked with both juvenile and adult offenders. Three worked with adults only and one VORP worked exclusively with juveniles. As with the Elkhart County VORP operated by PACT, the most common offenses in the eight other programs surveyed were felony offenses such as theft, breaking/entering and burglary.

None would argue that VORP is appropriate for all cases or that it always works. Moreover, while VORP has established a track record of up to 8 years in some communities, there remains significant need for further evaluation and refinement. Nevertheless, the program appears to work, and perhaps there never has been a time when such a program is more politcally and economically relevant, as indicated by the large amount of public and governmental interest in the concept.

VORP has widespread common sense appeal. Because it is a nongovernmental program involving extensive use of volunteer mediators, it does not involve a "big ticket" program budget. VORP's are being operated with budgets from as low as several thousand dollars to 40 thousand dollars. It costs only several hundred dollars to place an offender in VORP as opposed to between $15-$30,000 a year for offenders to be incarcerated.

Incarceration Substitute?

Since nearly all of the existing VORP programs state as their primary purpose "to serve as an alternative to incarceration," several critical organizing points need to be made. The victim offender reconciliation process has a great deal of intrinsic value for many types of offenders and victims, including minor crimes such as misdemeanors. However, the brief history of VORP in several United States and Canadian communities has shown it can be an appropriate total or partial substitute to incarceration for felony offenders at a time when our Nation is facing dangerous and costly levels of prison and jail overcrowding in nearly every state. Consequently, VORP certainly offers real potential for contributing to a larger effort to reduce inappropriate incarceration of certain offenders. Yet, if additional local VORP's become swamped with petty misdemeanor cases as so frequently occurs in new "alternatives," the program will certainly lose a good degree of its credibility as an actual substitute for incarceration of felony offenders.

The most critical issue in organizing a VORP program as an "alternative to incarceration" is found in establishing direct "linkage" between operation of the program and a measurable reduction in jail or prison incarceration of offenders referred to it. Without this linkage, so-called alternatives to incarceration, often remain, at best, abstract principles and ideals. At worst, such "alternatives" can significantly broaden the already extensive level of social control in American society by increasing both the degree and cost of punishments for offenders who would not have been incarcerated in the first place.

In establishing clear referral criteria for developing this necessary "linkage," it is very important to view this strategy as both "program specific" and "jurisdiction specific." There can be no simple overall master strategy for implementing the linkage. In some jurisdictions, there are certain low-level felony offenders that would clearly be doing jail or prison time while in larger urban areas this might not be the case. The critical issue is in identification of appropriate jail or prison bound offenders who could be sanctioned through VORP, rather than incarceration.

An example of this is found in current efforts by PACT to replicate its Victim Offender Reconciliation Program in an additional location, in Indiana (Porter County). Through the PACT Institute of Justice, data are being collected on actual sentencing practices in Porter County courts, in order to identify appropriate offenders who are currently being incarcerated but would be good candidates for the VORP process. Once these baseline data are obtained, the program will be in a better position to define referral criteria in order to insure linkage as a substitute for incarceration.

Traditional Values

Some might argue that Victim Offender Reconciliation Programs represent too radical a departure from the traditional criminal justice process in this country. The more accurate characterization would be that VORP represents a return to fundamental western and Judeo-Christian values. Focusing upon personal accountability in response to community conflict, upon dialogue as a means of problem-solving, and emphasizing restitution, it draws upon long traditions in Western Civilization. Modern criminal law in its many legal abstractions, including the definition of crime as being against "the state" and deemphasizing the role of victim, is a relatively young development. As such, VORP can play a critical role in challenging us to reaffirm some fundamental traditions from our own heritage and, at the same time, can offer some practical benefits to our contemporary dilemma of crime and punishment.

> . . . RATHER THAN permitting the criminal act to drive members of the community further apart, correctional restitution uses the criminal act to bring them functionally together.
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> — ROMINE R. DEMING, PH.D.

News of the Future

RESEARCH AND DEVELOPMENT IN CORRECTIONS

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THE HARDENING LINE

IN AN ELECTION YEAR, we learn what politicians think their constituents are most concerned about. Writing shortly before the fateful second of November, I perceive that politicians are sensitive to the widespread concern about crime and the general opinion that more must be done to control it. The politician's responses to this concern in state after state is to promise that capital punishment will be resumed and inflicted as frequently as possible. Aspiring candidates want to seem so tough on crime that they will keep the executioner working overtime once they are elected to office. Candidates are especially vocal in expressing this position if there is reason to accuse their adversaries of softness on capital punishment. Why it is supposed that the return of the executioner will reduce the frequency of the crimes that citizens most fear is open to speculation. Our laws allow the death penalty only for murder, a comparatively rare crime. But capital punishment symbolizes the hard line on crime. It has the advantage of being a fairly cheap symbol compared to the costs of the augmented police, the creation of more criminal courts, and the construction of more prisons that an increasing rate of violent crime might suggest. No one is seriously proposing a program of employment of idle young men at productive occupations, although if such a program could be put into effect all those police, judges, and prisons might not be so urgently required.

Whatever the reason for the general popularity of the executioner and his apparatus, large elements of the American public certainly want that hard line—even if no one is sure what an effectively hard line might look like. It is not certain that a large increase in the number of executions will even reduce the homicide rate, but there are clues emerging from recent research as to how a modest reduction of the numbers of robberies and burglaries might be achieved without resort to the Draconian methods demanded by the more ferocious hard-liners. It is even possible that the costs of such a crime-reduction policy might not exceed the sums we are now spending on locking up violent offenders.

In this contribution, I want to call attention to two studies that may eventually lead to the implementation of a harder line. As is always the case, researchers may conclude a study with findings that indicate a new and better course of action, but it is for legislators and judges to translate those findings into law and policy. The euphoria of the social scientist at the end of his study is not necessarily matched by the administrator who must devise a way of putting social science findings to productive use.

SELECTIVE INCAPACITATION

For the last 7 years, Peter Greenwood and a persevering coterie of researchers at the Rand Corporation have been engaged in the study of career criminals. Several of the monographs produced by this group have attracted a lot of attention. The latest production, *Selective Incapacitation*,[1] moves from findings which are interesting and sometimes novel, to conclusions that point insistently to new and controversial programs to control crime. Greenwood's conclusions will draw sharply differing responses, but he has opened a debate that cannot be settled on empirical grounds alone.

His study is based on self-reports of crimes committed and record reviews of 2,190 prisoners in California, Michigan, and Texas during the fall of 1978. These prisoners were selected from "incoming cohorts" of sentenced men in 12 state prisons and 14 county jails. The process of selection was complex, and in the space I have there is no way to summarize it. Generally the objective was to achieve a representativeness of the criminal population in the counties in which the jails were surveyed, and not a representation of the prison population. I am satisfied that this objective was pursued by a reasonable methodology.[2]

A more serious problem was the number of men who for one reason or another had to be classified as nonrespondents. Some refused to take the questionnaire, others submitted questionnaires which could not be used on account of incompleteness or apparent falsification. About 49 percent of the California and Michigan prisoners submitted acceptable responses, but 82.2 percent of the Texas prisoners cooperated at a satisfactory level. Nonrespondents in California and Michigan were replaced by prisoners who were matched for age, county of commitment, instant offense and other relevant characteristics.

The survey instrument itself was formidable. Sixty-two pages long and requiring 50 minutes to complete, it was designed to elicit particulars about the respondent's personal background, his criminal record, his attitudes about himself and his crimes, and, most important of all, the number of crimes committed during a "window period," the calendar year preceding his commitment offense.

Greenwood and his colleagues were sensitive to the skepticism that many social scientists and more laymen entertain about the validity of self-report questionnaires. As many precautions as could be taken were addressed to reliability checks. Of the original group of respondents, 350 were asked to go through the questionnaire a second time; 252 acceded. Redundant questions were included in the instrument to assure consistency in the answers. The returned questionnaires were inspected for erasures and marginal comments, most of which suggested an effort to respond accurately. Finally, all arrests and convictions reported by the respondents were checked against the official records; where there were major discrepancies the returned questionnaire was thrown out of the study.

I think it is fair to say that everything that could be reasonably expected was done to assure the truth value of the responses. What was not done, and obviously could not be done by any survey method now in use, was to verify the reports of offenses for which the respondents were not arrested. As so much was made of the number of these unreported crimes, this unavoidable deficiency assumes special significance. Analyses of the tests that were built into the questionnaire confirmed Greenwood and his colleagues in their confidence in the veracity of the respondents' accounts of the crimes committed for which they had not been arrested. An independent check by

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[1] Peter W. Greenwood, with Allan Abrahamse, *Selective Incapacitation* (Santa Monica, California: The Rand Corporation, August 1982). This monograph provides a good conceptual account of selective incapacitation and some of the calculations by which it is to be achieved. It is inadequate in its discussion of the methodology of the survey that led to the selective concepts that the authors propose. For a conscientiously full account of that methodology the reader must await publication of the companion report, *Survey of Prison and Jail Inmates: Background and Method*, prepared by Mark Peterson, Jan Chaiken, Patricia Ebener, and Paul Honig, which is promised for early 1983.

[2] I base this statement on a draft of Peterson et al., cited in the above footnote, which I have had an opportunity to review.

Marquis and Ebener, not members of the Greenwood group, supported the claim that the prisoners had correctly reported their convictions but less correctly their arrests.[3] One would expect that. A conviction is a momentous event in a prisoner's life and cannot be concealed; the prisoner is well aware that there is an official file in the front office. Arrests will be less reliably reported, if only because they are events that would be hard to recall as to time in place when looking back over a long and busy criminal career. The Marquis-Ebener group had nothing to say about the reliability of the self-reported crimes for which respondents were not arrested. It is at this point that I am uneasy about the conclusions of this study, but I will let my reservations lie in abeyance while we consider the findings it produced.

Reviewing the distribution of the criminal histories that they had collected, Greenwood and his group noticed that it was heavily skewed. For example, the burglars committed a variety of crimes over a vast frequency range. The median was 5.45 crimes per burglar per year. That was a modest rate indeed compared to the industrious 90th percentile burglars, who averaged 232 crimes per year. That's about one crime for each working day, not beyond the capability of some burglars I have known, but still placing some strain on my credulity. So many crimes successfully completed by one burglar in 1 year calls for a remarkably ineffective police response.

Nevertheless, the basic assumption of the Greenwood study is credible. There are, he says, several different types of criminals, to be distinguished by the rate at which they commit their crimes. Some of them commit crimes at a very high rate—like those 90th percentile burglars—and some are much more conservative in plying their vocation. So Greenwood trichotomized his sample. Those in the 75th percentile or above were designated as high-rate offenders. Those in the 50th to 75th percentiles were medium-rate; those below the 50th percentile were the low-rate offenders.

This distribution aims at a straightforward control policy. If it is so clear that the high-rate offenders commit the bulk of the crimes most feared by the public, legislation that will keep them off the streets will substantially increase public safety. The trick is to identify these high-rate offenders as early as possible in their careers. That calls for a prediction technique, and the design of such a model was Greenwood's next task. Drawing on the fairly extensive research on criminological prediction he chose 13 "candidate predictors" to determine their value for predicting rates of "offensivity." The exercise is crucial. I have put together a table from Greenwood's findings that shows the strengths and weaknesses of the process to which his findings lead.

TABLE 1.—*Distribution of Burglary and Robbery Respondents by Rate of Offense and Candidate Predictors*
(N = 781)

Candidate Predictor	Percentage of Respondents by Category of Offense Rate			Accepted Predictor?
	High Rate	Medium Rate	Low Rate	
1. Convicted on Multiple Counts	27%	25%	47%	no
2. Prior Felony Convictions	26%	25%	49%	no
3. Prior Conviction for Current Offense	30%	28%	42%	yes
4. Prior Prison Term	26%	26%	48%	no
5. Incarcerated more than 50% of the 2 years preceding current arrest	40%	27%	30%	yes
6. Convicted before age 16	34%	26%	40%	yes
7. Juvenile Commitment to State or Federal Facility	34%	26%	39%	yes
8. Drug Use in Past 2 years	35%	31%	34%	yes
9. Drug Use as Juvenile	35%	29%	36%	yes
10. Employed Less Than 50% of 2 Years Preceding Current Arrest	30%	27%	43%	yes
11. More Than 3 Jobs in the Preceding 2 Years	21%	33%	46%	no
12. Less Than 23 Years Old at Time of Current Arrest	26%	27%	47%	no
13. Prior Arrests for Current Offense Type	38%	31%	31%	no

SOURCE: Greenwood and Abrahamse, *Selective Incapacitation*, op. cit., pp. 52, 95-107

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[3] Kent H. Marquis, with the assistance of Patricia A. Ebener. *Quality of Prisoner Self-Reports: Arrest and Conviction Response Errors* (Santa Monica. Rand, March 1981).

Greenwood reasoned that a candidate predictor had to distribute the respondents by a percentage higher than 25 to be acceptable. The rationale, of course, was that by definition a high-rate offender committed crimes at a rate exceeding the 75th percentile for the whole sample. A combination of predictors exceeding 25% will indicate a high-rate offender. Greenwood took seven of the above thirteen candidate predictors to create his system:

(1) Prior conviction for the instant offense type.
(2) Incarcerated more than 50% of the preceding 2 years.
(3) Conviction before the age of 16.
(4) Served time in a juvenile facility.
(5) Drug use in the preceding 2 years.
(6) Drug use as a juvenile
(7) Employed less than 50% of the preceding 2 years.

Scoring 1 for a positive on any of the above predictors and 0 for a negative, an additive scale was produced and tested against the actual distribution of offenders by offense rates. That produced the following distribution:

TABLE 2.—*Actual Crime Rates by Predictive Scale*

Score on Seven Factor Scale	Actual Crime Rates (in percent)			
	Low	Medium	High	N
0	82	9	9	58
1	73	19	8	151
2	61	25	14	180
3	41	29	31	155
4	33	29	38	105
5 or more	18	32	50	131

SOURCE: Greenwood, op. cit., p. 53

Based on table 2, Greenwood's classification scheme worked out as follows:[4]

Collapsed Scale	Full Scale
Low	0–1
Medium	2–3
High	4 or more

The final test was to apply these scores to the distribution of the respondents according to this scheme. How many true-positive high rate offenders would the scale identify? How many false-positives and false-negatives would be produced by the application of the scale? To carry out these tests, the sample was distributed by the states in which the respondents were confined and by their instant offenses. The results are shown in table 3.

Another review of the data found that 51% of the respondents would be labeled correctly as high, medium, or low rate offenders. Of those classified as low-rate offenders, 3% were actually high-rate—false negatives—whereas of those scored as high-rate, 4% were actually low-rate and 10% were actually medium-rate. Greenwood concluded: "Clearly, our prediction scale does discriminate between low-rate and high-rate offenders. Better scales can probably be developed. Simpler scales will work almost as well."

TABLE 3.—*Median Annual Offense Rates for Predicted Offense Rate Groups*

Crime Type	Predicted Rate	Median Annual Offense Rate		
		California	Michigan	Texas
Burglary	Low	1.4	1.2	0.9
	Medium	6.0	6.0	2.5
	High	92.9	12.0	17.9
Robbery	Low	0.6	0.0	0.6
	Medium	1.8	2.2	2.0
	High	12.6	3.0	4.0

SOURCE: Greenwood, op. cit., p. 56

IS SELECTIVE INCAPACITATION READY FOR USE?

The application of these scales depends on a pragmatic balance of just deserts for all offenders, selective incapacitation for the high-rate offenders, and the maintenance of prison population at a level that does not exceed prison capacity. This balance has been an elusive goal in the past and certainly is not being achieved at present. If selective incapacitation is to work effectively, there must be a firm determinate sentence for all those serious offenders committed to prison, regardless of their offensivity, and the aggregate of their terms would equal the prison population in any given year. What was left over in prison man-years would be used for the enhancement of sentences imposed on high-rate offenders so as to achieve selective incapacitation.

That general scheme calls for rather modest terms for low and medium rate serious offenders so that there will be an adequate surplus of prisoner-years to distribute to the high-rate offenders. Greenwood thinks that it would be possible in California to arrive at a balance in which the high-rate robbers would receive a 25% increase in their terms with benefits in crime reduction that would vary between 15% and over 30%, depending on the particulars of the incapacitation policy.

I hope that the basic elements of the study and the concept of selective incapacitation are reasonably clear. In view of the probable controversy that will ensue, those who must take positions about the concept must review the monograph in detail and also its accompanying publications. What remains to discuss here is the tangle of moral and conceptual problems to be resolved before this model can be applied.

The first question has to do with the reliability of the self-report data on which the supporting research depends. Greenwood thinks that if there is a reasonable correspondence between arrests and convictions, as reported by his respondents, and the same arrests and convictions as found in the official records, it can then be established that the offenses reported for which there were no arrests were indeed correctly reported.

I think that is a dubious assumption. It is one thing for a well-organized mind with a retentive memory to attach dates and places to past events—even those events defined as occurring within a specific and recent "window period"—and quite another thing for the uneducated, unsystematic, and poorly organized minds of convict robbers and burglars to remember the numbers and times of past offenses, especially when they were numerous and, at the time, unmemorable. If the offense resulted in an arrest and conviction, any offender will remember it with a clarity he will not attach to a completed but unprofitable offense occurring during the same week or month.

That cannot mean that there is no such thing as a high-rate-offender, but it does call into question the rates at which high-rate offenders commit crimes. If those rates are exaggerated, many of the calculations that Greenwood has made so painstakingly become distortions of facts that cannot be truly ascertained. It is a serious question in criminology and in any social science as to how far we may go beyond the empirically determined facts in the conduct of enquiry. I do not doubt the usefulness of such data as self-reports in the generation of hypotheses or the interpretation of harder findings. But it is one thing to use such data as a basis for academic research on the extent of violent crime. It is quite another to use such slippery data for the purpose of creating new sentencing policy.

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[4] Greenwood, op. cit., p. 53.

Greenwood properly devotes much attention to the ethical questions that arise from his use of such variables as employment data, drug use, and juvenile crime records. Recognizing that these kinds of data will receive an implacably negative response from traditionally minded civil libertarians, he experimented with reductions of the number of predictors. None of the reduced predictor models worked satisfactorily. We are left with a position that holds that inasmuch as these predictors, properly employed, will identify a majority of the high-rate offenders—much as fingerprints will usually identify an individual offender—we are entitled to use them. The fact that a substantial number of false-positives and false-negatives will be generated in the process is troublesome. The false-positives will serve long terms needlessly; the false-negatives will throw the whole system into disrepute when they are leniently sentenced and then commit personal crime-waves.

It is apparent that Greenwood believes that these difficulties are digestible. After all, the present system depends on the predictive decisions of judges. Their intuitive predictions can hardly be as accurate as those of a statistically based, probabilistic system, even allowing for its inevitable failures. To this argument, the response of the retributivist—as for example, myself—is that if we punish according to desert alone, the question of false-positives and false-negatives does not arise.

In a more conservative analysis of the same data that Greenwood used, Jan and Marcia Chaiken—another pair of Rand Researchers—derived an offender type which they designated as the *violent predator*. This fellow is a monstrous young man who operates at the 90th percentile of criminal activity in the Rand sample. The violent predators are young offenders, averaging less than 23 years old, who have very high rates of robbery, assault, and drug-dealing in some combination of these three predominant offenses, but high frequencies in the other major offense categories, too. Long juvenile records; heavy and chronic drug use. The violent predator has much in common with Greenwood's high-rate offender, but the Chaikens stoutly resist the application of this designation to a selective incapacitation strategy. They note that although the crime rate might well be reduced by locking up all the identifiable violent predators, much injustice would also be done to the false positives, a class that they estimate at 30 percent of those so identified.[5]

THE FUTURE OF SELECTIVE INCAPACITATION

Already these Rand studies, published in August 1982, have had a lot of public attention. Greenwood has testified before the Senate Judiciary Committee as to his findings and their implications for improved crime control.[6] The well-known Op-Ed columnist, William Raspberry, has written a critical column on the policy tendency of these studies.[7] It is only a matter of time before political advocates urge the passage of legislation embodying the concepts of selective incapacitation as new criteria for sentences to imprisonment.

Those who are tempted to rush into this brand new policy should reflect on the impossibility of foreseeing all the consequences of a major change of this kind. They should at least devote as much thought as they can to the foreseeable side effects of selective incapacitation.

Note, for example, that Greenwood supposes that selective incapacitation can be administered without increasing prison populations. If life were as simple as the paradigm for a statistician's calculations, Greenwood would be right. But he has not considered the other end of the sanctioning process. While the prisons and jails would be filling up with high-rate violent predators, according to the Greenwood plan, at the other end a stream of nondangerous probation violators would be moving into the prisons simply because the system has no other way of making the community-based sanction credible.[8]

Much selective incapacitation now goes on, guided by the intuition and—alas!—sometimes the outright caprice of our judges. Very few judges can compete with the accuracy of Greenwood's actuarial approach or the Chaikens' typological identifications. But judges are expected to take responsibility for their decisions. The moment of sentencing is a moment of truth shared by the judge and the convicted offender. Truth may be guided by many sources of information, including the formulas of the Rand researchers.

That is as far as statistical prediction should go. When the computer takes over the sentencing decisions, judicial responsibility will crumble, and with it the fairness of the trial process. Our juridical traditions being what they are, I am confident that selective incapacitation will be the basis for sentencing chronic offenders, but those judges who are endowed with wisdom and experience will decide these matters for themselves. They will need all the help they can get from every source they can find—including the predictive methods of Greenwood, and the typologies of the Chaikens.

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[5] Jan M. Chaiken, and Marcia R. Chaiken, with Joyce E. Peterson. *Varieties of Criminal Behavior; Summary and Policy Implications.* (Santa Monica. Rand, August 1982), p. 23.

[6] Peter W. Greenwood. Prepared Statement for the Subcommittee of Juvenile Justice of the Senate Committee on the Judiciary, 26 October, 1981.

[7] William Raspberry, "Score Low and Get a Long Term." *The Washington Post*, 22 October 1982. Mr. Raspberry misunderstood the model; his title should have read, "Score *High* and Get a Long Term."

[8] For a further discussion of this often overlooked point, see Michael E. Smith, "Alternative Forms of Punishment and Supervision for Convicted Offenders," a paper presented at the Conference on Public Danger, Dangerous Offenders, and the Criminal Justice System, at Harvard University, 11-12 February 1982.

Looking at the Law

BY JUDD D. KUTCHER

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PREPARATION OF PRESENTENCE REPORTS; CIVIL LIABILITY

Probation Officer Civil Liability re Presentence Reports
Spaulding v. *Nielson*, 599 F.2d 728 (5th Cir. 1979)

In this case, the Fifth Circuit ruled that a Federal probation officer was absolutely immune from a Federal parolee's civil suit for money damages. The parolee based the suit upon alleged misconduct by the probation officer who had investigated and prepared his presentence report, and by the officer's chief who had supervised the officer's work.

Specifically, Spaulding, the parolee-plaintiff in the case, claimed that Probation Officer Lucas, who had prepared the report, had included incorrect and incomplete information in his presentence report. Spaulding also alleged that Chief Probation Officer Nielson, upon being informed of the alleged errors, failed to correct them, ultimately causing the United States Parole Commission to delay his parole. Spaulding asked for damages of *$96,000* from each officer. Needless to say the officers were concerned.

The Fifth circuit affirmed the district court's dismissal of Spaulding's claims for the following reasons. In order to allow judges who act within the scope of their authority to be free of harassing civil suits, the Supreme Court has clothed judges with absolute immunity. *Stump* v. *Sparkman*, 435 U.S. 349 (1978); *Pierson* v. *Ray*, 386 U.S. 547 (1967). The Supreme Court has extended this same absolute immunity to government prosecutors for functions which they perform which are "intimately associated with the judicial phase of the criminal process . . . ."*Imbler* v. *Pachtman*, 424 U.S. 409 (1976) (denoted as "quasi-judicial immunity"). *Spaulding*, *supra*, 599 F.2d at 729. Since "the presentence report is an integral part of the sentencing process," and the officer prepares the report at the court's direction (pursuant to rule 32), this probation officer function is also deemed to be "intimately associated with the judicial phase of the criminal process," and thus absolutely immune. *Id*.

It would appear consistent with the court's holding to assume that a probation officer's function of investigation and preparation of a probation report (18 U.S.C. §§ 3653, 3655) would also be considered "intimately associated with the judicial phase of sentencing," since the report is directly related to the sentencing court's possible modification of probation or resentencing upon revocation.

The court in *Spaulding* specifically noted that its decision only pertained to the probation officer's performance of his presentence functions, not his supervision duties. 599 F.2d at 729 n.4. Notwithstanding the court's disclaimer regarding supervision duties, it is noteworthy that the court, in reaching its decision as to presentence reports, specifically relied on a series of Federal court decisions concerning suits by persons alleging that state probation officers had deprived them of their civil rights under the Civil Rights Act, 42 U.S.C. § 1983. *E.g.*, *Burkes* v. *Callion*, 433 F.2d 318 (9th Cir. 1970). Presumably, Federal case law relating to a state probation officer's performance of supervision duties would serve as persuasive precedent on the issue of whether a Federal probation officer's performance of certain supervision duties were sufficiently related to the judicial phase of the criminal process to be considered quasi-judicial. This assumption would be significant because there are several such cases which take the view that most of a probation officer's supervision duties, other than law enforcement functions such as searches or arrests, would be considered quasi-judicial functions. *See e.g.*, *Thompson* v. *Burke*, 556 F.2d 231, 236 (3d Cir. 1977) (probation officer's participation in decision to revoke parole is "adjudicatory" in nature); *Timson* v. *Wright*, 532 F.2d 552, 553 (6th Cir. 1976) (per curium) (a probation officer's supervision duty of requiring daily reports from his probationer is a quasi-judicial function). A fuller discussion of civil liability issues for a Federal probation officer is contained in "Looking at the Law," June 1978.

PREPARATION OF A PRESENTENCE REPORT: EXPUNGED OR SET ASIDE RECORDS, ALLEGED PERJURY, GOVERNMENT VIEWS AND PLEA BARGAINS

Section 3577 of title 18, authorizes a sentencing court to consider *all* relevant information:

> § 3577. Use of information for sentencing
> No limitation shall be placed on the information concerning the background, character, and conduct of a person convicted of an offense which a court of the United States may receive and consider for the purpose of imposing an appropriate sentence.

Section 3577 should be the probation officer's primary guide to whether a specific item of information should be included in a report. Absent a court directive regarding inclusion of a specific kind of information, the officer should err on the side of including information, leaving to the sentencing court the decision of how or whether to rely on information in the report for purposes of sentencing.

(a) *Expunged Records*

A most difficult question is whether an officer should include an expunged conviction (*e.g.*, a YCA set aside, a juvenile record, a state conviction record sealed or expunged by state law). My recommendation is "yes." There are two significant reasons. First, if an officer decides to exclude an item of information from a report it would be tantamount to his exercising a judicial function of the court. As long as the officer clearly denotes the correct status of a record (i.e., "YCA set aside"), the court will be in a position to exercise its judgment as to the degree, if any, to rely on this information in sentencing the defendant.

Second, the rehabilitative purpose underlying the sealing or expunction of such records would not be furthered by precluding a sentencing court from considering this information in connection with an offense which the defendant commits *subsequently* to the offense for which the defendant's conviction had been expunged or otherwise set aside. By committing another offense the defendant would have demonstrated his unwillingness or inability to take advantage of the court's earlier effort to help him achieve rehabilitation. Arguably, a sentencing court should have the opportunity to consider this failure on the part of the defendant in weighing an appropriate sentence for a subsequent crime.

(b) *Alleged Perjury*

Suppose an assistant U.S. attorney told a probation officer that the defendant had perjured himself. Should the officer include this government allegation in his report? Again, I would say, "yes."

Clearly such information would be *relevant* to sentencing. In *United States* v. *Grayson*, 438 U.S. 41 (1978), the Supreme Court upheld a sentencing court's consideration of its perception that the defendant had perjured himself during his trial. But there are issues other than relevancy which should be considered. A recent circuit case which is instructive is *United States* v. *Alverson*, 666 F.2d 341 (9th Cir. 1982).

In *Alverson*, a government caseworker had made an *ex parte* communication to the trial judge concerning the defendant's alleged involvement in a homicide. On appeal, the appellate court noted that the same information that was expressed in the *ex parte* communication was also stated in the presentence report. In that regard, the court specifically referred to *United States* v. *Tucker*, 404 U.S. 443, 446 (1972), for the principle that,

> . . . a judge may appropriately conduct an inquiry board in scope, largely unlimited either as to the kind of information he may consider, or the source from which it may come.

666 F.2d at 348. While the district court in *Alverson* had expressly disclaimed reliance on this information as it appeared in the defendant's presentence report, it had not expressly disclaimed reliance on, or even acknowledged, the existence of the *ex parte* communication itself. As a result, the Court of Appeals granted the defendant a resentencing before a different judge. 666 F.2d at 346-48, 350. *Alverson* suggests several principles in regard to presentence report information:

> (1) the probation officer should include all relevant information, *regardless of source*, in a presentence report;
>
> (2) the sentencing court should discuss particular allegations of perjury with the defendant; and
>
> (3) the court should clarify whether it relies upon this information for sentencing the defendant, and in doing so it must specify any *ex parte* matter, and its reliance thereon, if any.

(c) *Government's Views & Plea Bargains*

United States v. Cook, 668 F.2d 317 (7th Cir. 1982), Plea Agreements and Presentence Reports

In return for the defendant's guilty plea, the government in the *Cook* case promised "to make no recommendation whatsoever as to any possible punishment" and "to not offer anything at all in aggravation." The Seventh Circuit interpreted this government promise to mean that the government's passively permitting the probation office to review material contained in its files constituted a breach of its promise to the defendant.

While the court "entertained substantial doubt" as to the legality of this promise, it found this issue "not dispositive" in this case. It reasoned that a guilty plea induced by an unfulfillable promise is just as unenforceable upon the other party as one induced by a valid but unfulfilled promise. 668 F.2d at 320. Accordingly, the Court of Appeals granted the defendant's request to withdraw his side of the plea agreement—his plea.

If the court had granted the defendant specific performance, that is, a prohibition against the probation officer presenting the court this government information, a serious conflict with the sentencing court's right to information under 18 U.S.C. § 3577, might have presented itself. However, the court refused to grant the defendant's request for that remedy.

Accordingly, the result in this case would appear to be directed to the government, *not* the court or its probation officers. The lesson of *United States* v. *Cook* seems to be that in order for the government to meet its statutory duty to provide relevant sentencing information to the court, the government must be careful to draft its plea agreements to clarify that it does not, and cannot, promise to withhold information from the sentencing court, or its probation officers. 18 U.S.C. § 3577. *United States* v. *Baylin*, 535 F. Supp. 1145, 1149-53 (D.Del., 1982) ("explaining" *United States* v. *Cook*); *United States* v. *Block*, 660 F.2d 1086, 1091-93 (5th Cir. 1981). *See also United States* v. *Corsentino*, 31 Crim. L. Rep. 2469 (2nd Cir. Aug. 2, 1982).

MISCELLANEOUS ISSUES

(a) *Probation; F.R.Cr.P.:11(c)*

The provisions of *F.R.Cr.P.* 11(c), which require that a defendant who intends to enter a guilty plea be informed of the various rights and the ramifications of a waiver of those rights, do *not* apply to probationers who plead guilty to probation violations.

This identical question has been considered by the United States Courts of Appeals for the Fifth and Ninth Circuits, each of which held that Rule 11 has no application to probation revocation proceedings. *United States* v. *Johns*, 625 F.2d 1175 (5th Cir. 1980); *United States* v. *Hill*, 548 F.2d 1380 (9th Cir. 1977); *United States* v. *Segal*, 549 F.2d 1293 (9th Cir.), *cert. denied*, 431 U.S. 919 (1977).

(b) *YCA; Set Aside Decision*

The scope and meaning of a conviction which a sentencing court sets aside under section 5021(b) has received much attention in recent cases. *See e.g., Doe* v. *Webster*, 606 F.2d 1226 (D.C. Cir. 1979). However, there are several critical issues related to the court's granting of the Youth Corrections Act set aside which have yet to be addressed in published judicial decisions. In the absence of such decisions, the Office of the General Counsel has construed some of these matters.

Section 5021(b) states in relevant part:

> [T]he court may thereafter, *in its discretion* unconditionally discharge such youth offender from probation *prior to the expiration* of the maximum period of probation heretofore fixed by the court [i.e., three years], *which discharge* shall *automatically* set aside the conviction . . . (Emphasis added.)

First, a YCA set aside carries with it a statutory prerequisite: the court must discharge the youth offender *prior* to his maximum expiration date. *See* "Looking at the Law," September 1982. This interpretation has now been confirmed by a recent district court opinion. *Preston* v. *McCall*, 542 F. Supp. 249, 251 (E.D. N. Carolina 1982). The court in *Preston* explained that the contrary holding in *United States* v. *Arrington*, 618 F.2d 1119 (5th Cir. 1980), i.e., that a prior discharge is *not* a statutory prerequisite, was inconsistent with "the plain language of the statute [§ 5021(b)]." I should note, however, that a court may correct an unintended failure to early discharge a youth offender (i.e., a clerical mistake, or an oversight) by a *nunc pro tunc* order. *See United States* v. *Fryer*, 545 F.2d 11, 13 n.3 (6th Cir. 1976) (observed by the court only in passing, not a ruling).

Second, since a sentencing court has absolute discretion to determine whether to discharge early a youth offender in order to entitle him to a set aside of his conviction, a youth offender would not be entitled to a hearing regarding this court decision.

Third, an early discharge in itself would not automatically require the court to set aside the youth offender's conviction. Given the special rehabilitation purpose of the set aside, I infer that the set aside only applies to an early discharge which the court authorizes with the intent to trigger the entitlement to the set aside. Thus, where a court early discharges a youth offender from probation for some other reason and expressly clarifies its intent *not* to grant a set aside, the youth offender would not be entitled to have his conviction set aside. For example, a court may have extended the youth offender's probation for an additional year because he had failed to meet a restitution requirement in the initially imposed period of probation. If he pays the restitution before the expiration of the year, the court would be likely to discharge him from probation at that time, yet might have no intention of rewarding the youth offender with a set aside. Another example might involve the early termination of a youth offender when the court concludes that further probation appears fruitless, but the court chooses to discharge him from probation rather than revoke him because the individual has become subject to numerous additional state or Federal sentences of incarceration.

Letters to the Editor

A New Focus for Corrections

TO THE EDITOR:

During the past 300 years (1682-1982), there have been seven eras in the history of corrections, each with a central focus for the treatment of offenders.

1682-1790—Punishment and Degradation
1790-1830—Meditation and Moral Instruction ("Doing Time")
1830-1870—Religion, Discipline, Non-communication
1870-1900—Education, Vocational Training, Probation, Parole
1900-1940—Habits of Industry
1940-1970—Classification, Case-work, "Programs of Rehabilitation," Furloughs, Work and Educational Release
1970-2000—Professionalization, Problem solving, Judicial concern, Community corrections.

Each era except the Colonial Era lasted about a generation. Each era reflected the culture of the times. Each era produced some outstanding leaders and events. Each era failed to achieve its ideal goal or goals. However, rather than abandoning these goals, each era merely incorporated all previously unfinished goals in the current correctional program. Finally, each era produced the seeds for future eras.

As we view corrections today (1982), we note all these characteristics including the cry that "rehabilitation" of offenders is a failure. Even if "rehabilitation" is reduced to "acculturation," we need a new focus for corrections to meet the demand for mandatory sentences and more prisons.

Clinical Criminology

For many years, university courses in *Academic Criminology* have emphasized principally the history, the schools of thought, the research and statistics, and the description of corrections. Around 1910, there emerged in Europe a movement to professionalize the operation of corrections called *Clinical Criminology*. From 1913-1921 there existed in the United States an organization called the American Society of Clinical Criminologists. Around 1922 this organization was merged with the Medical Section of the American Prison Association and lost its identity. In presenting the following program, Howard B. Gill and Associates propose a rebirth of *Clinical Criminology* in the United States.

Criminality in Individual Offenders

As we review the evolution of corrections during the past 200 years, one notes that the goals of corrections included everything except criminality—the very *raison d'etre* of corrections. At last we may get down to the "bottom line" in corrections.

Briefly stated this new focus will involve 10 major elements.

1. *Dressing-in, Case-histories, Classification, and Programs of Acculturation* will continue as usual.
2. *A Special Counseling Unit* in charge of a professionally trained counselor, separate from but equal to Classification Services, will be established.
3. *Problem-solving* will be the goal of the Counseling Unit beginning with *Immediate Problems* and proceeding on to *Significant Problems* underlying Criminality in each Individual Offender.
4. Prison Guards will be classified in two groups:
   (1) *Security Guards* who man the wall and the gates throughout the prison and patrol the grounds to prevent escapes, control contraband, and preserve good order; and
   (2) *House Officers* in charge of living units, shops, and other activities of the prison, acting as Lay Counselors who will carry on problem-solving for the individual prisoners under their supervision.
5. *Professional Personnel* will act in an advisory capacity only; authority over prisoners will reside with the Security Guards and House Officers only.
6. *Security will be assured* by the Security Guards and thus may be *assumed* by House Officers and other official personnel.
7. While *security will be the primary goal* of the prison, *treatment of individual offenders* will be the principal and ultimate goal of corrections.
8. The *Small Group Principle* will apply to living units, shops, and all activities of the prison.
9. *Joint Participation* of prisoners and official personnel will be provided through committees representing both prisoners and officials in the development and conduct of all activities of the prison, responsible and reporting to the *Staff* and to an *Inmate Council* elected by the prisoners from nominees made by prisoners and approved by the staff.
10. *Community Involvement* will be encouraged by providing contact with civilian groups and organizations in prison activities; through sponsorship of individual prisoners by individual volunteer civilians; through furloughs, work and educational release; and parole.

August 27, 1982

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Treatment of Anticapitalists

TO THE EDITOR:

Can the readers of FEDERAL PROBATION give me any information as to the treatment of prisoners or probationers in any jurisdiction who profess a belief in anticapitalism? I am particularly interested in the treatment accorded Patricia Hearst, Abbie Hoffman, and Jack Henry Abbott.

Thank you.

October 15, 1982

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Reviews of Professional Periodicals

CORRECTIONS MAGAZINE

Reviewed by Omar G. Rios

"Prison Population Jumps to 369,725," by Ralph Gardner, Jr. (June 1982). The Bureau of Justice Statistics shows that during 1981 there was a 41,292 increase in inmate prison population. This number includes a small number of pretrial detainees held in the same facilities as state prisoners but does not include inmates sentenced to local jails. This increase is 12.5 percent and is the largest increase in the Nation's history. In the past 8 years, the prison population has increased 78 percent. Indications are that the population rise is continuing and that year-end figures for 1982 may be higher than in 1981.

Every state, the District of Columbia, and the Bureau of Prisons showed increases in their prison population. Arizona's population increased by 36.4 percent, New Jersey's by 29.8, Alabama's by 24.8, Alaska's by 24.0, Utah's by 22.3, Hawaii's by 22.0, Washington's by 21.8, North Dakota's by 21.7, Idaho's by 21.7, Maryland's by 20.7, and Indiana's population increased by 20.5

Corrections experts cannot offer easy explanations to the prison population increase. The blame is now being placed on harsh public attitudes and its impact on the political agenda. Thirty-seven states have passed mandatory minimum sentencing laws. The post-World War II "baby boom" children are now in their mid-20's, which is the prime imprisonment age. There has also been a growing punitiveness in dealing with offenders. Some prison reformers blame the news media for creating a fear of crime that has also helped to create a need for imprisonment. Parole boards have been tougher and less liberal.

A January Gallup Poll showed that 57 percent of the public believe more prisons are needed and 49 percent are willing to pay more taxes for them. However, despite these get tough, longer sentences, stricter parole guidelines attitudes, the public does not understand the high cost of overcrowding.

A small number of states are using stop gap measures, of a temporary nature, that will help to reduce overcrowding. There is a new "supervised custody" program in Delaware, reduction of sentences by the Governor in Michigan whenever prisons remain above capacity for 30 days, and, in Iowa, the Parole Board is directed to review sentences of all inmates who are within 90 days of parole.

In conclusion, the prison population has grown so rapidly that states have not been able to build themselves out of this situation. Efforts to deal with overcrowding is forcing correctional personnel to establish a broad-based policy on who should go to prison and why.

"'Objective' Classification: Catalyst for Change," by Stephen Gettinger (June 1982). The numerical classification system used in California since March 3, 1980, and the point-based classification system developed by the National Institute of Corrections (NIC) is examined. In California, the new classification system gives inmates points based on their background and on their behavior in prison. The NIC System has been adopted on an experimental basis in Vermont, Kentucky, New Jersey, and in Virginia.

California's system will send an inmate who scores more than 40 points to either of its two toughest prisons, Folsom or San Quentin. The reclassification changed the composition of the State's 21 institutions, shifted the balance of power among wardens, and helped revise building plans. Discovered was that many inmates were classified toward more rigorous security than was necessary. California seems to be in a position to better manage the total population.

Accurate inmate sorting is the challenge of any classification system. "Many classification experts say the way to do this is to rely on objective, 'behavior-based' systems that link predictions of escape or violence to an inmate's past behavior, as distinct from psychological assessments or subjective gut feelings of correctional personnel."

Florida has been using a "decision tree" model. This system consists of many yes/no questions that lead to a classification decision. "Several States are using a private firm, Psychological Resources, Inc., of Atlanta to provide a computerized personality profile based on paper-and-pencil psychological tests."

The point-based classifications systems claim to predict behavior more accurately than the subjective good judgment of individuals or teams. Points are correlated to escapes and violence and help to determine what type of an institution an individual will be sent to. In other areas of criminal justice system pretrial release and parole guidelines have been used to determine release dates and the style of supervision. A secondary role is given to the offender's "needs," which is the term now being substituted for treatment and rehabilitation.

The courts have provided the impetus for change, with the landmark case in classification being *Pugh* v. *Locke*. In 1976, Alabama's prison system was declared unconstitutional and it was also learned that there was no working classification system.

Most persons who have studied classification agree that the process should be governed by several principles: (1) Inmates should be placed in appropriate security classification and not classified higher than warranted; (2) inmates should be informed, be present, and should be allowed to challenge classification feelings; (3) classification decisions should be objective and consistent; (4) overrides should be allowed and defined; and (5) regular reclassification should be allowed.

The criticism from those who do not subscribe to objective point systems is that the new role turns persons to bookkeepers, that the push toward lower security could cause a backlash if a few highly publicized escapes occur, that the new systems are largely untested, that inmates continue to be overclassified despite the new system, that predictions of escape or violence are too unreliable to justify restrictive placements, and that the new classification systems are increasing the dehumanization of the process and is helping to destroy one's creativity.

The indications are that these classification systems will undergo gradual refinement as the system is used, as data is collected, and as the instrument is revised and retested for its validity. In conclusion, those who have devised these objective systems say that the real work of predicting inmates' behavior has really just begun.

CRIME AND DELINQUENCY

Reviewed by Charles L. Stearns

"Rhetoric and Reality: A Critical Appraisal of Community Correctional Programs," by John H. Hylton (July 1982). John Hylton assesses the gap between rhetoric and reality in this appraisal of community correctional programs and suggests that such programs have been allowed to proliferate largely free from critical scrutiny. Evidence thus is presented in this essay that raises questions about the effectiveness, humaneness, and economy of community-based programs.

An analysis of crime rates and imprisonment reveals that not only is the rate of imprisonment keeping pace with the increasing crime rate, but the expansion of community corrections programs leads to the conclusion that the state is exerting control over an increasing proportion of the population. In fact, studies indicate that states with the highest per capita use of community corrections programs were found to have above-average reliance on institutions.

This article similarly gives attention to studies concluding that community programs are no more successful than institutions in reducing recidivism rates. Furthermore, community programs may contribute directly to increasing crime rates by virtue of the offender continuing to engage in criminal activity.

So far as the humaneness of community correctional programs is concerned, there is a substantial and growing body of evidence that suggests community programs have been associated with a variety of conditions that can hardly be termed humane.

An examination of community corrections and the provision of services to offenders reveals evidence that often offenders do not receive the services for which they were referred, and in many instances are deprived of their legal rights.

Some attention also is given to the "residual" offender and to the birth of new strategies of social control along with the costs of community corrections, particularly the indirect costs. Often where savings are achieved, it is due to sacrifice of program objectives.

This essay concludes with the recommendation that the concept of community corrections needs rethinking. The author neither condemns community corrections nor advocates more widespread use of incarceration. Rather, this examination is designed to lead to the appreciation that programs of corrections in the community are, in fact, important strategies of social control.

"Saving the Children: The Promise and Practice of Parens Patriae, 1838-98," by Alexander W. Pisciotta (July 1982). Alexander Pisciotta, in an introspective look at the promise and practice of parens patriae during the period 1838-98, addresses the problem by contrasting how it was applied in juvenile reformatories from the landmark decision incorporating the doctrine into the American legal structure.

A review of Ex parte Crouse and ensuing legal decisions reveals that commitments of minors were predicated on the belief that the state could serve in loco parentis in providing juveniles with parental discipline, meaningful labor, religious instruction, education, and beneficial apprenticeship. Through case history highlights, it is interestingly presented that the promise and the practice were quite divergent.

A review of the literature suggests that there was considerable difference between the rhetoric of the keepers and the reality confronting the inmates in the area of the state as disciplinarian. Considerable abusiveness reigned.

The concept of contract labor visited its abuses as well. It would appear that contractors exploited for their own ends far more than training the inmates.

In the area of religion, it was demonstrated that many conflicts arose, and it would appear that there was more proselytization than concern for salvation.

The use of apprenticeship programs similarly provided yet another opportunity for abuse of the wards of the State, and in many instances, the wards became merely indentured servants.

Perhaps the most significant commentary on the ability of the state to act as loco parentis is reflected in the behavior of inmates toward their parental substitutes. Simply, a parent-child relationship did not exist.

In concluding, the author identifies a significant disparity between the promise and practice of parens patriae. Discipline seldom was parental in nature, wards were economically exploited, and reformation did not take place. Based on the historical record, one can only wonder how the doctrine could have been extended so long or be considered as humanitarian well into the 1960's. The practical lesson to be learned from history is that there is a critical need to assess objectively the "benevolent" effects of rehabilitative efforts. The initial step toward developing a truly humane juvenile justice system requires the abandonment of unfounded humanitarian rhetoric.

"Undetected Recidivism Among Rapists and Child Molesters," by A. Nicholas Groth, Robert E. Longo, and J. Bradley McFadin (July 1982). Contrary to much of the literature suggesting that sex offenders have one of the lowest rates as "repeaters," clinic experience put forth by the authors argues otherwise.

Using a study sample comprised of two groups, one group committed to a security treatment center and the other to a maximum security prison, totaling 83 convicted rapists and 54 child molesters, an anonymous questionnaire was administered asking a series of questions relating to their history of sexual offenses. The study results indicated that the majority of the offenders had been convicted more than once, and, on average, had committed two to five times as many sex crimes for which they were not apprehended.

Findings suggest that these offenders are serious recidivists, that the behavior often commences in adolescence, pointing to psychosexual problems, and that the admitted undetected recidivism figures probably are conservative. Since there is no status recognition or reward for being a sexual offender, either in the community or in an institutional setting, it is expected that sexual offenders would minimize their wrongdoing.

Important implications from the above for consideration are that the behavior is chronic, that sexual assault is more psychologically than situationally determined, that there is a necessity to concentrate on younger sexual offenders to prevent or reduce later victimization, and that the use of recidivism as a measure of the effectiveness in rehabilitating sexual offenders is unreliable.

Although the authors did not deal with the concept of whether rapes are really sexual offenses, they do not conclude with the admonition that if we are to deal effectively and meaningfully with the problem of sexual assault, we must recognize that it is a repetitive pattern of behavior, most of which is undetected.

THE INTERNATIONAL JOURNAL OF THE ADDICTIONS

Reviewed by DAVID M. PETERSEN

"Addict Careers. I. A New Typology," by David N. Nurco, Ira H. Cisin, and Mitchell B. Balter (December 1981). Because narcotic addicts are a very heterogeneous group the practice of placing narcotic users into a single category has little merit from the standpoint of etiology, prognosis, or potential for rehabilitation. The present study is an attempt to predict from antecedent information what kind of narcotic addict a person will be if he becomes a narcotic addict and to describe the life-style variations associated with varying patterns of addictive careers.

A sample of 499 subjects was drawn from a police register of male narcotic users first known to the Baltimore City Police Department between 1952 and 1956. Almost all the subjects (98%) of the original sample were located and 92% of the eligible persons were interviewed. A group of 238 cases (103 whites and 135 blacks) qualified for the analysis presented in this and subsequent papers. For a subject to qualify for inclusion in the present analysis a minimum of 10 years had to elapse from the onset of narcotic addiction to the date of interview.

The typology of addict careers developed here is based upon the concepts of opportunity and motivation to use drugs, that is, the degree of involvement with narcotic drugs in relation to the opportunity for voluntary abstinence. The typology takes into account the amount of time spent in each of the following statuses: (1) addicted, (2) in the community and not addicted, and (3) incarcerated. Emphasis is on the degree of involvement with narcotic drugs, on opportunity to use such drugs as represented by time in the community as opposed to being incarcerated, and on voluntary abstinence. Application of these concepts to the Baltimore data revealed five clearly distinguishable types. Type I is represented by low involvement with narcotic drugs on a daily basis (less than 50% of the time), high opportunity in that they spent no more than 2 1/2 years incarcerated, and high voluntary abstinence as demonstrated by the fact that they resided in the community at least 7 1/2 years and were addicted only a small proportion of this time. Type II involves low involvement with narcotic drugs, low opportunity because they spent more than 2 1/2 years incarcerated, and low voluntary abstinence because they had relatively little drug-free time in the community. Type III includes medium involvement with drugs with 50-74% of the 10 years addicted, high opportunity since not more than 2 1/2 years of the remaining time was spent in incarceration, and a medium level of voluntary abstinence. Type IV includes medium involvement with narcotics, low to medium opportunity since more than 2 1/2 years were spent incarcerated, and, therefore, little remaining time for voluntary abstinence. Type V has the highest involvement with narcotic drugs with at least 7 1/2 of the 10 years devoted to addiction, and, therefore, opportunity was high and voluntary abstinence was low.

The focus on the remainder of "Addict Careers. I." is a description of the differences among the types with regard to antecedent correlates or factors that can be useful in predicting the type of addict career that emerges. The analysis concerns status and behavior for these subjects early in life and covered a number of variables in the following areas: social status, social and geographical mobility, education, employment, juvenile delinquency, and criminal behavior.

"Addict Careers. II. The First Ten Years," by David N. Nurco, Ira H . Cisin, and Mitchell B. Balter (December 1981). Part II of the Nurco, Cisin, and Balter study describes the behavior of the same 238 narcotic addicts during the first 10 years of their addiction and contrasts several life-style variables to a typology of addict careers based upon the concepts of opportunity and motivation to use narcotics. The principal emphasis in the analysis is upon similarities and differences among the various types of narcotic addicts.

Although consideration of space prohibits delineation of the trends within each of the designated types, the general conclusions can be stated. *Periods of Addiction*. During the course of a 10-year career the average addict had approximately three separate periods of addiction. However, there exists considerable variation around this summary statistic. About 2% of the addicts had been addicted through the entire 10-year period, while approximately the same percent had as many as eight separate periods of addiction. In addition, there was considerable variation in the length of periods of addiction, ranging from a period of 1 month through addiction throughout the entire 10-year period. The average period of addiction across individuals was approximately 2 years (slightly less for whites than blacks). Within each racial group there were wide variations across addict types in the extent to which heroin was the dominant drug. The analysis revealed that in every type whites were far more likely than blacks to go through an entire 10-year career without ever having a period in which heroin was the dominant drug. Although the majority of addicts in each type (both black and white) reported that they had some legitimate income from employment while they were addicted, the fraction of their total income which was derived from such employment was considerably less than one-half in all types. The great majority of addicts of all types (both black and white) had at least some illegal income during periods of addiction during the 10-year span. In addition, almost all had illegal income in more than 1/2 the periods of their addiction. Moreover, a considerable majority of the addicts in all types and for both races were primarily dependent on illegal income as their principal source of economic support during the periods of addiction investigated. In all types, for both races, the greatest majority of the addicts reported that they had been a member of a close family group during their periods of addiction (spent most of their addictive periods as a member of a close family group). *Transition from Addiction.* With the exception of a few addicts (n=5) in Type V, every addict in each of the five types, for both races, became a nonaddict at least once during the 10 years covered. In Types II, IV, and V the majority of black addicts never had a voluntary termination of addiction. In all types-by-race groups (except white addicts in Type V), only a minority of addicts went through the entire 10-year period with no time in incarceration. For those who were incarcerated, the average length of each incarceration varied considerably among the five types of addicts. *Periods of Nonaddiction.* The periods examined here are those in which addicts voluntarily dropped their drug habit or reduced it below the level of addiction. Almost one-third (31%) of the addicts never had any such period of nonaddiction in the community. Of the remaining addicts, the majority of the black addicts of all types (except Type I) had only one such period of nonaddiction. Members of Type V, whose average periods of addiction were the longest, showed the shortest average length of "off" periods. Among the other types, the relationship between average length of "on" and "off" periods was by no means consistent. The majority of addicts of all types received most of their income from legitimate means during such periods (the contribution was higher for whites than blacks.) The presence of illegal incomes was considerably less frequent during periods of nonaddiction in the community than it was during periods of addiction. The living arrangements of addicts during periods of nonaddiction were similar to their living arrangements during periods of addiction, that is, most lived with close family members.

"Addicts Careers. III. Trends Across Time," by David N. Nurco, Ira H. Cisin, and Mitchell B. Balter (December 1981). The purpose of this paper is to explore changes in the narcotic addiction scene during an era of rapid social change. The emphasis is upon the shifting nature of the narcotic addict population and on the changes in forms, patterns, and practices associated with narcotic addiction.

The same sample base is utilized for analysis in "Addict Careers. III." as was employed in Parts I and II, however, in this report the data have been weighted to compensate for differential sampling by year from the sample frame, so that the total for the population and the totals for various groupings reflect population parameters. Incidence cohorts were constructed for this report reflecting the trends across time of the characteristics of new recruits into narcotic addiction. For simplicity, the incidence cohorts were grouped into three: pre-1955 (1937-1954); 1955-1959; and post-1959 (1960-1966).

The data of the current investigation, based on and projected to the listing of all narcotic addicts known to the police in Baltimore over a quarter of a century, confirms the predominance of blacks in the addict population. It can be stated that for every 10 men entering addiction at any given time, 7 or 8 were likely to be black. There were differences between the background characteristics of blacks and those of whites who became addicts, but within each racial group of addicts, separately, there was little variation in such characteristics across time. Among both white and black addicts the picture regarding social status was essentially the same: no clear trend across time in social status of those persons who became addicts (although the white addicts were consistently drawn from a higher social class than the blacks). For both races, the persons who entered addiction later in the quarter century studied were more likely than those who became addicted earlier to have had contacts with juvenile authorities and to have had acknowledged criminal activity prior to first narcotic use. In the pre-1955 period the median age of onset of addiction for white addicts was just over 18 years and for blacks it was more than a year older. During the 1955-1959 period the onset occurred more than 1 1/2 years earlier on the average but after 1959 the trend was reversed so that new addicts of both races showed a median age of onset of 18 years. Not all addicts are addicted to heroin. Indeed, among white addicts, liquid codeine was the drug of choice for the majority of new addicts recruited between 1955-1959. After 1959, the pattern of drug choice among white addicts returned to an emphasis on heroin. Examining the addiction typology described in "Addict Careers. I." certain characteristics of the addicts' careers seem to be reasonably stable across time. For example, among black addicts the modal career during all time periods is best described as Type V: virtually uninterrupted addiction during a 10-year period with little or no incarceration. Among the white addicts, the distribution of career patterns showed a much less pronounced tendency toward uniformity. With regard to the criminal activities of these addicts over time, the trend shows a slight decline in the importance of illegal income when one compares the addicts who began their careers in 1955-1959 with those who began earlier, followed by a noticeable increase among those who began their careers in 1960 and thereafter.

"A Test of Wikler's Theory of Relapse: The Frequency of Relapse Due to Conditioned Withdrawal Sickness," by William E. McAuliffe (January 1982). Relapses to opiate use after successful withdrawal is one of the most perplexing aspects of addiction. Wikler offered one explanation of such relapse—conditioned withdrawal sickness. In Wikler's model the exposure of a nondependent postaddict to conditioned stimuli (e.g., environments previously associated with true acute withdrawal) would elicit conditioned withdrawal symptoms. The postaddict responds to these symptoms as he or she had to unconditioned withdrawal sickness by craving and taking drugs, resulting ultimately in readdiction. The present study seeks to assess the importance of conditioned withdrawal symptoms for explaining relapse in street addicts. The study determines how often abstaining addicts usually experience conditioned withdrawal symptoms, and how such symptoms result in relapse.

The data for this paper came from tape-recorded interviews with 60 male street addicts in Baltimore during 1969 and 1970. All respondents were lower-class active addicts with expensive histories of addiction and most were involved in crime. Although 60 addicts were interviewed in this study, only 40 cases proved to be useful to test Wikler's theory. The 40 addicts who abstained on the street long enough to pass through active withdrawal were asked whether or not they had experienced conditioned withdrawal symptoms, what they thought had caused their symptoms, what was on their mind when they experienced these symptoms, whether they responded to these symptoms by taking drugs, and if they did, whether that drug use ultimately resulted in relapse, a return to frequent (daily) use of opiates.

The results of these interviews raise doubts about the importance of conditioned withdrawal sickness as a cause of relapse. Only 11 of 40 respondents (27.5%) had experienced conditioned withdrawal sickness. There was a slight, nonsignificant difference in the mean length of the longest abstinence between those who experienced conditioned withdrawal (11.5 months) and those who did not (10.9 months). Only two responded to the conditioned withdrawal by taking drugs, and one ultimately relapsed as a result. Since all of the 40 addicts had relapsed at least once, conditioned withdrawal sickness does not appear to explain a large proportion of the relapses that street addicts experience. If conditioned withdrawal sickness does not account for most addict relapses, what does? McAulife maintains that addiction theorists have underestimated the importance of euphoric effects in explaining addiction phenomena. His previous research has shown that long-term addicts continue to experience euphoric effects despite tolerance development and abstaining addicts report that the desire for euphoria is an important reason for resuming opiate use.

THE AMERICAN JOURNAL OF ORTHOPSYCHIATRY

Reviewed by CHARLES E. SMITH, M.D.

"Testimony for the Neglected: The Mentally Ill in the Post-Deinstitutionalized Age," by Bert Pepper, M.D., and Hilary Ryglewicz, M.S.W. (July 1982). In this article the authors examine current public and professional policy concerning the care of the mentally ill, in the context of a major social change, now familiarly known as deinstitutionalization. Factors which are cited as having led to the development of this policy include the discovery of new medications which are effective in controlling the acute symptoms of major mental illness; various legal challenges to the confinement of mental patients, often in the context of their civil rights; economic factors associated with rising costs of inpatient care; and, finally, a growing conviction that patients may achieve their highest level of functioning in less confining situations, so long as these are commensurate with their treatment needs and general safety. As measured by these considerations, deinstitutionalization represents a responsible approach to the problems of the mentally ill.

However, the transfer of large numbers of chronically mentally ill persons into the community has not been without its problems. In the authors' views these problems have occurred because the communities, largely through want of funds, have failed to provide some of the supports which these patients were receiving in the psychiatric hospitals. Among the supports which have not been replicated in the community are low cost housing, financial support, employment or vocational rehabilitation, socialization and recreational opportunities, advocacy, supervision and protection, and, in many instances, appropriate levels of care management.

Another significant problem which is a byproduct of vigorous efforts to push people out of hospitals and to keep them out of hospitals has been a growing number of significantly mentally ill young adults who cannot receive adequate care, absent the availability of hospitalization. These young adults, roughly in the age group 18-35, comprise a new high risk group who show a high incidence of use of alcohol and other drugs, a high incidence of suicide attempts, a high incidence of conception of children, who may become our next high risk generation, a sizeable incidence of law violations involving violence, and a high degree of financial dependence on public assistance programs or on their families.

The authors deplore the fact that little is being done to provide more adequate care and support for these needful mentally ill populations. They recommend that mental health professionals strengthen their advocacy roles for these "devastated victims of deinstitutionalization." Specifically, they recommend that we advocate funding of community treatment programs at levels more commensurate with the critical needs of these seriously impaired people; that the funding of rehabilitation services be based on functional disability rather than other outworn criteria; that we oppose changes in certification processes and reductions in Medicare and Medicaid programs which would further reduce medical services to the mentally ill; that the state take a larger role in funding community care programs for these patients; and, finally, that states take responsibility for insuring decent housing for the many mentally ill who are now in our streets.

"The New Mendicancy: Homeless in New York City," by Ellen Baxter and Kim Hopper (July 1982). In a companion article, these authors describe the results of an ethnographic study of the homeless poor in New York City. It has been estimated that there are as many as 36,000 adults in New York who are periodically or permanently homeless, while the city has about 4,000 emergency shelter beds. Meanwhile, the numbers of young adults, both men and women, on the streets are growing. While this population is generally felt to be heterogenous in its makeup, all observers appear to agree that it includes large numbers of relatively severely disturbed and disabled chronically mentally ill persons.

In their study, these authors chose to try to learn how these homeless people "meet and resolve daily problems of survival." They report that they found little support for the popular notion that these people live on the streets by their own choice. On the contrary, they found a larger demand for accommodations than could be provided and at the same time they found that available sheltering facilities were so overcrowded and delapidated as to discourage requests for service. In fact, the authors paint a very bleak picture of life in these shelters.

The authors conclude that the homeless are reachable, and that if there were decent and humane shelter available, there would be no lack of willing recipients. They point to the fact that shelter is "the indispensable first step in reaching" these street people. They go on to observe that clinical needs can only be addressed in a setting that satisfies survival needs. Finally, they observe that clinicians have a unique and intimate access to the homeless and that they need to advocate more and better shelter for them.

CANADIAN JOURNAL OF CRIMINOLOGY

Reviewed by VERNON FOX

"Learning Disabilities and Criminology," by W. H. Coons (July 1982). The field of learning disability has considerable semantic confusion, badly designed research, and enthusiastic practitioners without a clear definition. The term, "learning disability," was apparently first coined by Samuel Kirk in the early 1960's and Franham-Diggory maintains that it is not a scientific category, but a political invention designed to direct funds to otherwise unclassified children. There is a substantial group of people ranging in age from very young to adult who have a variety of serious learning deficiencies which are not consistent with their levels of general intelligence or socioeducational backgrounds. Treatment programs have been characterized by various substantial "between-subject" differences in response to treatment. It is obvious that there is no panacea and that it takes different types of treatment to effect change in different people with different learning disabilities. No relationship between learning disability and criminality has been demonstrated and the ability to remediate learning disability has not really been established. Before correctional and other agencies can mount difficult and expensive programs, they must undertake research to identify learning-disabled offenders, the causal factors, etiology of the disability, and what remedial techniques could be effective in reducing recidivism. Beginning programs to correct a wide variety of learning disabilities seriously confounded by a myriad of problems without time-consuming research to determine its direction would be socially irresponsible.

"Probation Outcome: Is It Necessary to Fulfill the Condition?," by M. A. Jackson, C. D. Webster, and J. L. Hagan (July 1982). While "criminal justice system" implies a single unitary process, each of the subsystems comprising it do not necessarily work in close synchrony to produce a mutually agreed upon "justice system," but may operate separately with different causal factors determining individual decisions. In a study of 131 accused coming to trial in one Ontario Provincial Court jurisdiction during a 5-month period in 1975, 58 received acquittals. The remaining 53 cases were placed on probation, 36 after a short period of incarceration. For a closer examination about them, the 53 probationers were categorized in six groups: (1) no conditions, (2) conditions and no further offenses, (3) probation completed according to general reporting conditions, (4) ordered to satisfy a specific condition beyond the general conditions, but failed to do so, (5) probation completed under general conditions despite uncooperative behavior, and (6) new offense. The outcomes were 36 completing probation (1-5), 11 with a new offense (6), and 6 not completing probation. Of those who completed probation, then, 44 percent were allowed completion despite nonadherence to all conditions. Persons receiving more supervision tend to violate probation more frequently. Dysjuncture exists in the decisionmaking process in probation. A thorough examination of this process would be needed before an integration of the system could be achieved.

"Consensus in Decision-Making among Prison Case Management Officers," by Frank J. Borborino and Robert B. Cormier (July 1982). Discretionary judgment in the criminal justice system has been studied extensively to identify factors that correlate with success or failure following release from prison, factors which influence parole decisions, sentence recommendations, and sentencing decisions. Decisionmaking with regard to temporary absences or furloughs has not received much attention, but is a key component in the gradual release plan in Canadian corrections. The first step in this process is one or more escorted temporary absences for 4 to 12 hours in the community followed by an unescorted temporary absence (UTA) minimally supervised and usually for a 3-day period. The UTA's are viewed as a major test of the inmate's ability to manage his affairs properly. This study was conducted at two Federal penitentiaries in the Ontario region, Collins Bay and Joyceville. Both are medium security, but programming at Collins Bay emphasizes educational and vocational training and operates on the traditional classification model, while Joyceville emphasizes industrial work and operates on the Living Unit Model. At Joyceville, the Living Unit Officer (LUO) or the Living Unit Development Officer (LUDO) makes recommendations for UTA's. At Collins Bay, classification personnel make those recommendations. In both cases, the recommendations are sent to the warden, where they are generally aproved. This study included three groups of decisions by case management officers, nine LUDO's and 32 LUO's from Joyceville and eight classification officers from Collins Bay. Three forms were filled out by persons making the decisions: (1) Open-Ended Assessment, (2) Time Available Assessment, and (3) Decision-Making Rating Form that listed 48 factors. Two coders reviewed the Open-Ended Assessment that produced a set of 34 factors and the percentage of agreement for the two coders was 89.6 responses. Disagreements were discussed until mutual agreement was reached, but 2.3 percent could not be resolved. The factors showing highest mean rating was Recent Breaches of Trust, followed by four other criminal history variables and three factors specific to the pass. Institutional Behavior ranked ninth and a general factor, Security, was ranked tenth. There was a high consensus among case management officers regarding (A) what factor should be considered when evaluating a temporary absence application and (B) the order of importance of these factors. There was some lack of agreement among case management officers as to how much weight was given a negative factor in overturning an otherwise positive recommendation. Case management officers use an inmate's past behavior as a guide to present decisionmaking, but there is clearly a need to obtain predictors through appropriate outcome studies that would serve to guide decisionmaking.

"An Exploratory Analysis of the Conceptual Meaning of Perceptions of Crime," by Vincent F. Sacco (July 1982). Public perceptions of crime have been defined by theorists and researchers in criminology during the last decade, which academic criminologists and policymakers have sought to understand in terms of the determinants and the consequences of crime-related expressions of public fear and anxiety. Problems in understanding these perceptions of crime include (A) unrealistic assumptions that perceptions of crime narrowly reflect a subjective assessment of an objective reality of crime,

(B) an "effects of crime" interpretation of perceptual interrelationship that brings in the complex issue of causality, and (C) if public perceptions of crime are expressions of diffuse anxieties, then statistical association with interpersonal mistrust or a weakening of community effect might be implicit in perceived concept. In January and February 1979 samples of households were selected from seven Alberta communities with populations over 10,000. Samples drawn on the population represented by each community were restricted to persons over 18 years of age and sex controlled by quota produced a sample size of 619. All interviews were conducted by telephone. Sixteen closed-ended items from the Alberta survey were factor-analyzed. The value of unstructured interviews is that there need not exist the assumption that the conceptual nature of perceptions is known. Crime related perceptions of the city were significantly high in fear of victimization in some particular cities and barely significant in terms of age. Crime related perceptions of neighborhoods were significant in fear of victimization and sex, but barely significant in terms of socioeconomic status. The findings reaffirm the predictive importance of sex and city as variables, but the explanatory power is low. Future research should broaden the search for factors that affect crime-related perceptions and seek causal significance and influences, such as proximity of friends and relatives, integration in the social network patterns, and other variables far removed from the objective realities of crime and its control.

"Justifying Criminal Justice Policy with Methodologically Inadequate Research," by F. Douglas Cousineau and Darryl B. Plecas (July 1982). Throughout Canada and the United States recently, there have been changes in criminal justice social policies away from the treatment approaches through deterrence "justice" and other flat-sentencing and determinate approaches on the basis of "evidence" marshalled by "the Martinson report" (Lipton, Martinson and Wilks; *The Effectiveness of Correctional Treatment*, New York: Praeger, 1975), which evaluated 231 "rigorous" studies between 1945 and 1967, as well as other articles supporting the "justice model." The norm of organized skepticism has not guided criminologists in the acceptance of "the Martinson report," but it has been accepted without adequate analysis. Only an *impression* of rigor characterized these studies considered in that report which has stirred considerable debate in criminology and corrections. A reevaluation of the Special Intensive Parole Unit (SIPU) studies described them as "probably, with a capital 'P', the most extensive controlled experiment in American correctional history," actually shoddy, and producing no plausible "finding." Bernstein in 1978 concluded that social scientists involved in evaluation research are more likely to be guided by norms of an "entrepreneurial model" than the norms of the social science "academic model." The demise of organized skepticism in this case blazed criminology into the hands of ever present skeptical detractors.

"Creating a Monster: Issues in Community Program Control," by Native Counselling Services of Alberta (July 1982). A program becomes a monster when it does not perform according to the expectations of its managers. Rather, the program has come under the control of someone else and is conforming to *their* expectations, instead. The Native Counselling Services of Alberta created the High Level Diversion Project in 1977 in Northwestern Alberta to serve High-Level, Fort Vermilion, Assumption, Meander River, and Paddle Prairie, which are two small towns, two reserves, and one Metis Settlement spread over a relatively wide area. The project was intended to involve community members extensively with a Diversion Screening Committee that would develop a suitable agreement whereby the offender could compensate for his offense, rather than by going through the traditional channels of the court process. In 3 years of operation, there had been 72 referrals, of which 11 were rejected by the Crown, and four were referred back to the police or Crown, leaving 57 clients who actually took part in the program, 53 of whom successfully completed the agreements. The referrals were considerably lower than expected. The High Level Diversion project was intended to be flexible, innovative, educational, and to involve considerable community participation, but it simply became another arm of the formal system. There were two Federal Ministries (Justice and Solicitor General) and one Provincial Government Department (Attorney General) with interest in the program, but with different perceptions and expectations. The High Level experience indicates that a community-based program must have the control based firmly in the community and in the private agency which administers it, rather than in the formal agencies of the criminal justice system.

"Police School Programs: The Realities of the Remedy," by Curt Taylor Griffiths (July 1982). The development and maintenance of a favorable public image is most critical for those groups of citizens with whom police have a high degree of contact and where potential misunderstanding and resentment are high. Police estimate that between 50 and 75 percent of police contacts are with youths under 18 years of age. Police have introduced program initiatives in Canadian schools designed to influence positively the perception of police by adolescents. In 1958, the school system in Flint, Michigan, pioneered a program known as the School Liaison Officer (SLO) program in which a police officer was assigned to a school on a full-time basis, maintaining an office in the school and being available to counsel students, make class presentations, and otherwise participate in school activities. In Vancouver, British Columbia, the Police School Liaison program is typical of those implemented by many police departments. In 1980, it had 10 officers involved with approximately 44,000 of the 62,000 children in the school system. The type of contact that a juvenile has with the police is the primary determinant of his views toward police. Youths who experience negative encounters with police tend to have negative perceptions, while juveniles reporting positive experiences tend to express favorable perceptions. Some programs have reported success in all juvenile perceptions of the police, while others have provided no evidence of attitudinal change. Retention of the traditional crime control model of policing has resulted in obstacles to the implementation of police programs designed to improve relations with adolescents. Police initiatives that require commitment of the total police organization toward objectives that can be realistically achieved should be encouraged.

Your Bookshelf on Review

EDITED BY BENJAMIN FRANK, PH. D.

A Humanistic View of Delinquency

Oral History and Delinquency: The Rhetoric of Criminology. By James Bennett. Chicago: University of Chicago Press, 1981. Pp. 371. $28.50.

This is an unusual book. It avoids the generic subject of delinquency and makes no effort to enlighten the reader relative to delinquency *per se*. Further, it traces, in considerable detail, the development of the use of personal life histories of real-life delinquents as these have been collected and published by earlier proponents of this rhetorical approach to delinquent theorems. The author's aim seems to be to present the conditions under which these early oral histories originated. In this regard it tends to be a ponderous tome which purports to stimulate the re-use of oral history as a humanistic approach to delinquency prevention. Simultaneously, it also offers a series of interesting vignettes on the personal lives of nearly all of the early socialists who utilized this technique.

The author complains that this style has been neglected by social scientists during the past generation. Certainly we would agree that today it seems to be of only peripheral interest to most academic criminologists. Nevertheless he maintains that this method can still be used advantageously to convince others of the need for community-based delinquency prevention programs in our continuing efforts to control delinquency. The latter approach to crime control consistently threads its way throughout the text in pronounced preference to the earlier views of delinquency as originating in the genes or in the unconscious of the individual, or in the more recent view of the symbolic interactionists who maintain that delinquency is created by the political power systems who officially label such deviants.

The author devotes his first two chapters to the eloquent advocacy of Henry Mayhew on behalf of social misfits whom he encountered on the mid-19th century streets of London. His approach amalgamated drama with cultural anthropology, a technique which was subsequently employed advantageously by later theory builders to develop a more sophisticated theoretical context by which to understand the etiology of delinquent behavior. But this could not occur due solely to Mayhew's efforts. Thus the author next describes the "cell confessional" developed at about the same time by Rev. John Clay of Preston Gaol, the patron saint of prison chaplains. These consisted of written statements from convicted prisoners who described in detail their previous adventures in crime. Clay augmented their personal narratives with descriptive statements in an effort to support his biased contention that the roots of crime evolve from drunkenness and an ignorance of religion.

A hiatus in the development of oral history followed the work of Clay until Ben Lindsey of the Denver Juvenile Court took up the banner shortly after the turn of the century. Lindsey, while weak in the conceptual cogency as presented in his written accounts, was convincing in his rhetorical amplification in which the central theme was an effort to reject the offense rather than the offender. Lindsey's efforts corresponded with the Chicago movement by prototype social workers at Hull House to establish the first juvenile court. Unfortunately the perspective which developed tended to follow the Lambrosian medical model of individual defect. This, the author emphasizes, delayed professional recognition of the impact which the cultural milieu has on socializing youth into delinquent traditions.

The social physician, William Healy, was the next to use the delinquent's "own story" as a device for enhancing the understanding of delinquency. This was achieved via his innovation: the case study, following his appointment as the first director of the Institute for Juvenile Research (Chicago). His work overlapped chronologically with that of W. I. Thomas, the originator of a social science paradigm based on thousands of collected life histories of delinquents, *et al.*, which he used to advance an understanding of social deviance. Thomas initially avoided statistical analysis of any sort, although later in his career he acknowledged the need to augment his case studies with quantitative data. However his insistence on continuity of the delinquency process led him to the emphatic denial of criminal stereotypes and hence his rejection of the idea of treating delinquency as a separate phenomenon. Thus it was Thomas who established the epistemological position of oral histories somewhere between inductive literary insight and scientific theory. The interaction evolving from this interstitial placement constitutes the essence of the methodological problem in the use of oral history. It's achievements, however, outweigh such potential disadvantages in that the early social workers who interacted with delinquents, *et al.*, were better enabled to rid themselves of their moralistic perspective toward deviance. This led over time to social reform through the contributions of modern empirical sociology.

In this way, the city of Chicago became a ubiquitous laboratory for autobiographical validity as this was advanced at the University of Chicago by such early sociological scholars as Robert Park, Ernest Burgess, *et al.* The latter, in turn, was the mentor of Clifford Shaw whose work he guided and interpreted. But at the same time Burgess' interests in quantitative methodology as a means of promoting the science of sociology diverted scholarly interest away from Shaw's autobiographical accounts, although he never abandoned his support for the use of such personal documents to understand the delinquent as a person.

Other Chicago sociologists subsequently utilized human documents to promote the examination of the subjective aspects of social action. This included Frederic Thrasher's study of gang delinquency as well as the work of Clifford Shaw and Henry McKay who collaborated in their analyses of delinquency areas produced by social disorganization. While the intellectual and analytical shortcomings of the latter have been criticized for ignoring an explicit macrosociology of the subject, this was more than compensated for by the creative emloyment of indigenous workers in that great social reform movement known today as the Chicago Area Project.

The author then devotes an entire chapter to the transmission of delinquent and reformist attitudes as these were described by Shaw and McKay who employed such rhetorically effective discourse as a practical means for ameliorating delinquent behavior. One aspect of their approach was to promulgate oral histories to their readers—especially social workers—whose perspective they depreciated because such workers failed to grasp the viewpoint of their clients who experienced the world in a far different way than they did.

But Shaw and McKay, despite their ability to present a vivid picture of how delinquent practices were transmitted from one person or group to another, avoided an analysis of the political aspects of their own work. Yet they knew how the political process penetrated the social milieu under study, but viewed this as epiphenomenological. Therefore, to focus on the independent consequences produced by political institutions, the author spends an entire chapter in describing a political paradigm as this view was adopted and advanced by Saul Alinsky and Howard Becker, both of whom made use of oral histories from this perspective.

The final chapter is the most valuable aspect of this otherwise rambling discourse which traced the history of histories. Much more concisely written than the nine previous chapters, this conclusion clearly summarizes the author's earlier discussions of the place of oral history in sociological research. This is done relative to the conditions which generate oral histories (e.g., social, rhetorical, personal and technical conditions) while still acknowledging their limitations (in terms of subject matter, method and deficiencies in communicative capacity). The author reiterates, however, the important functions which oral histories provide such as attracting readers to a subject they might otherwise have ignored, working as a dialetic between things unique and commonplace, and persuading readers to what the author conceives of as the truths of delinquency: (1) Delinquents are not alien beings; (2) good people become bad by interacting in a criminogenic environment; and (3) delinquency can be prevented in part only by changing such milieu.

Serious students of this approach to understanding delinquency will find the appendix of considerable value. Here the techniques used by Mayhew, Healy and Shaw are described in more detail than was contained in the main body of the text. An impressive set of notes (covering 50 pages) augments the 10 chapters and appendix followed by 18 pages of bibliographical citations and a well developed index.

In conclusion, this book was not designed for public consumption nor is it appropriate for undergraduate courses in delinquency. Methodologists may find utility in its many detailed pages which describe how this technique developed. However, except for the final chapter, nine-tenths of the contents repose in a historical context and hence may be more attractive to researchers interested in the etiology of autobiographical accounts than to modern social scientists who seek to enhance their methodological skills. These facts when linked to its cost suggest that its potential circulation may be limited to a small but select group of sociologists whose academic interests parallel that of the University of Chicago from whose archives the subject matter of this text was derived.

Western Michigan University LLOYD BRAITHWAITE

Economic Strategies: A New Era for Corrections

Economic Strategies in Probation, A Handbook for Managers. By Timothy L. Fitzharris. Sacramento, California: California Probation, Parole and Correctional Association, Inc., 1981. Pp. 125.

This *Handbook* is further evidence that the era of fiscal justification of social programs has arrived. To the corrections professional imbued with a sense of humanism and the desire to help offenders, the handbook may be cause for depression. Has the "human element" in our work disappeared? A careful reading of the *Handbook* may soften the blow. Nonetheless, this is important reading because current budget limitations on public agencies require that corrections professionals evaluate their services with respect to real world conditions, particularly those relating to public safety and the desire and/or ability of the public to support "nonproductive," i.e., "social" programs.

The author assumes that probation is an established and effective discipline which produces real benefits for the public and individual offenders. The problem is seen primarily as selling those benefits to the public to sustain probation operations. In reality, however, the wise manager will want to reflect on the benefits presented by the probation departments cited to see if the same benefits can be or are produced by his/her organization.

The goal of the handbook is clearly to help probation agencies survive the economic crunch. It comes from California, which has experienced proposition 13. The challenge is to identify what the department does which results in financial benefit for someone—the offender, the victim, the revenue coffers of local, state, or Federal government, or for society in general. (If it does very little, the message is clearly to get busy.) The publication contains a wealth of information and suggestions as to what to do to improve services. Of particular value are the appendix materials which support the effectiveness of probation and provide additional detail on the cost effectiveness of a sound classification system in the supervision of probationers. The information on the value of intensive parole supervision in chapter 3, as supplemented by a full report in Appendix II, is of particular interest as it serves as the basis for conclusions about the cost effectiveness of probation. The classification system used was developed in California in the 1960's for parolees. The reader will be aided by a knowledge of the several studies done in that period, as discussed by Babst (see cites for Takagi, Robison, Marguerite Warren, Lohman, etc.).

It is difficult to criticize a publication which captures most of its faults in its *Preface*. The case is made for probation administrators to sell what they do well, with less emphasis on reducing costs than on keeping present levels of funding through alternate means—e.g., little overall emphasis is placed on cutback management techniques (chapter 7), while virtually every chapter speaks to the need to continue operating at current levels. At times the chapters appear redundant, constantly stressing the search for subsidies, transferring costs, sources of new revenues (fees, penalty assessments, or other charges), and the like. In fact, there is little actual repetition, although some of the chapters could have been grouped or integrated for easier reading. For example, chapters 1, 3, and 5 make the case for keeping probation and chapters 2, 4, and 6 discuss the types of funding needed for the maintenance of services. (Figures and tables should be checked for accuracy, too—see the "DH" in Figure 2, p. 15, and the missing minus sign in table 1, p. 97.)

The report uses considerable case material from California and at times details specific California legislation (p. 51); for this reason, the report may be seen as less valuable, which should not be the case. Not all the ideas and approaches described can be used, nor should they be, but most can be used in any jurisdiction to improve service delivery and provide the economic strategies needed to survive fiscal cutbacks.

It is hoped that the strategies presented will be used in the context of a real assessment of what should be cut from existing budgets. Economic strategies for sustaining probation services do not preclude the necessity for cuts where budgets are fat, but these cuts must be made within the context of understood priorities. Appendix I was chosen for addressing issues and trends in probation, encompassing numerous matters of special relevance in setting priorities in relation to the economic strategies established for the future. Each jurisdiction must address, for example, the issue of supervision and control of offenders versus the provision of assistance and services (p. 82), or the achievement of some balance between the two. As the *Handbook* suggests, many questions such as this one remain unclear or unanswered in probation. The answers to these questions will greatly influence the economic strategies adopted. If issues such as these have been examined first, the publication will be of greater use to the reader.

Rockville, Md. DALE K. SECHREST

Another Fad That Failed

Scared Straight! And the Panacea Phenomenon. By James O. Finckenauer. Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1982. Pp. 257. $13.95. Paperback.

For crime, as for other cancers, we long for a cureall and anyone who claims to have one can attract much attention. As this book shows, use of prisoners to tell juveniles that crime does not pay has been repeatedly oversold as a crime prevention remedy. Yet in the late 1970's a *Reader's Digest* article and a prizewinning television film propelled into unprecedented prominence such a project at New Jersey's Rahway prison. Politicians and the media were snowed by its spacious success-rate claims, and the public was entranced by the film's portrayal of tough cons using foul language to threaten juveniles with sodomization if they ever became prisoners. The program was copied at other prisons throughout the country.

Finckenauer provides extensive summaries of relevant theory and research on reformation of offenders. Yet in summarizing a long quotation from a government review of behavior modification he misses its main point: "in the absence of rewarded alternatives, a response suppressed by an aversive technique is likely to recur" (p. 41). This means that frightening persons who have previously been gratified by crime is only likely to have a long-lasting deterrent effect if these persons can get comparable satisfaction in legitimate alternatives to lawbreaking. For secure change, they must find social support in conformity, hence have a strong stake in avoiding rearrest. To scare is not enough.

While the movie suggested that only "hardened offenders" were brought to the Rahway show, the prison took almost all comers, including some without delinquency records, of diverse age, and both genders. "Success rates" were spouted recklessly by a local judge who sent a form letter to persons who brought youth there, asking them for the new crime rates of the visitors. He thus got figures for diverse groups, for short and varied followup periods, and probably with much incompleteness of knowledge about any further offenses that may have committed.

Several organizations agreed to Finckenauer's request that they randomly divide youths into a treatment group brought to Rahway and a control group left behind, so that he could measure the attitudes and check the arrest rates of both groups before and after the treatment group's visit. Instead, however, some agencies brought everyone, some brought nobody, many youth could not be located for post-visit testing, and judges impeded the check on juvenile arrest records. The resulting poorly matched and too small groups demonstrated no overall scaring straight, but some suggestion that the least advanced offenders may have been deterred slightly. A separate crude study by Langer indicated that delinquents who had this prison visit did not recidivate less but their new crimes were less serious than those of similar youths who did not get to Rahway.

The lesson in this book is that new projects should be based on well-grounded theory as to whom they should affect most and why, and should be initiated in a manner that permits adequate testing of this theory. Without such a procedure we shall continue to practice sentencing, correction and crime prevention activities with no accumulation of demonstrable knowledge about their wisdom. If there are villains in this book they are the New Jersey judges who were both reckless in their claims about this project and obstructive of those who wished to measure its success rates.

Los Angeles, Calif. Daniel Glaser

Rehabilitation Is Not Dead

Reaffirming Rehabilitation. By Francis T. Cullen and Karen E. Gilbert. Cincinnati, Ohio: Anderson Publishing Company, 1982. Pp. 315. $13.95.

This is an important book for anyone interested in the age-old issue of what to do with critical offenders. It has critical implications for various social policy questions arising from that issue. It also has important things to say to those who did, do, or want to believe in rehabilitation but who have been buffeted in recent years by frequent attacks on these beliefs and the pronouncement that "rehabilitation is dead." Cullen and Gilbert contend that this *is not* so as they present a well-reasoned and forcefully articulate defense of the philosophy of rehabilitation.

The authors admit that they embraced rehabilitation early in their college careers, came to recognize its more disquieting effects and subsequently became advocates of the justice model as the answer to the ills besetting the criminal justice system. They initially set out to show that justice principles could serve as the basis for liberal reform of the system. However they came to realize that these principles could become corrupt when put into practice, so they finally came to reaffirm rehabilitative concepts as providing a more humanizing framework for needed reform. It is this latter realization that they share in this book.

The major portion of *Reaffirming Rehabilitation* is a thoughtful and detailed analysis of both conservative and liberal views of rehabilitation throughout the history of corrections. It relates the development of rehabilitative philosophy to the social, economic, and political events and ideas of particular periods of history. It discusses both the interpretation and influence of these events and ideas on how both camps responded to "the crime problem" in terms of its own appraisal of how well rehabilitative approaches were working.

The book is well written and easy to follow and the author's simple and straightforward way of expressing the complex issues surrounding rehabilitation, the justice model, and determinate vs. indeterminate sentencing is refreshing. One feels the sincerity and rationality of the authors as they discuss traditionally cherished concepts and the findings of research studied. There is a forthright critique of the popular justice model and an examination of data from states using sentencing and parole guidelines.

Among the conclusions reached by the authors are: the justice model is as susceptible as are others to corruption (p.201); determinate sentencing systems examined hold little promise of achieving justice model objectives (p.233); rehabilitation is an ideology of benevolence which retains the potential for future amelioration of the correctional system (p.264); and the most promising option for liberal reform is to reaffirm and not to reject the ideology of criminal justice rehabilitation (p.246).

Reaffirming Rehabilitation is an excellent and important contribution to correctional philosophy. It will be encouraging to those who have not lost faith in rehabilitative concepts. And it will be influential in the return to these concepts. I recommend it to you.

San Bernardino, Calif. Claude T. Mangrum

Treatment Typologies and Corrections

Changing the Lawbreaker: The Treatment of Delinquents and Criminals, A New Edition with an Epilogue by the Author. By Don C. Gibbons. Montclair, New Jersey: Allanheld, Osmun & Co., 1981. Pp. 318. $8.95, paper.

When it was first published in 1965 this work was a flawed but interesting contribution to the application of criminological knowledge in criminal justice practice. Intending his book to be a training primer for correctional workers Professor Gibbons utilized available research to address the rehabilitation problems represented by different classes of offender as well as to identify appropriate therapeutic techniques for their treatment and disclose the structural obstacles to their effectiveness. Likening his work to a handbook on medical practice the author rejected the exclusive claims to the treatment of offenders made by psychiatry and submitted an alternative sociological approach based upon the development of diagnostic and treatment typologies. While some would contest parts of the substance of this work, particularly the extended attempt to develop complementary offender and treatment typologies, the author nonetheless presented the problems of causation and typology development in a lucid, comprehensive and persuasive fashion.

The 1981 edition differs from its predecessor by virtue of a short epilogue in which Professor Gibbons reflects upon the validity of his 1965 arguments in the context of current philosophies of "just deserts" and control. While acknowledging the existence of "relatively negative or pessimistic comments . . ." the author affirms his advocacy of rehabilitation through the defense of diagnostic-classificatory schemes and the statement of his conviction that a singleminded stress on punitive sanctions is unworthy of a democratic society.

Despite its 1965 virtues this book is not an adequate training primer for correctional workers in the 1980's. Firstly, the development and utilization of typologies has advanced considerably with the introduction of computer technology into many correctional settings. While by no means reaching its full potential, the application of such technology to measure risk assessment, develop supervision modalities and predict sentence and treatment outcomes has increased across a wide front. The implications of this, not only for investigations, sentence recommendations and the subsequent handling of sentenced offenders, but also for role diversification among correctional workers, are enormous. Secondly, the approach in this volume to correctional systems seemed brief and inadequate in 1965, in the 1980's the approach appears distorted and deficient, particularly in relation to probation and parole. Despite the persistence of anachronisms the GAO reports have prompted many probation departments to begin to put their back office in order. Restructuring and program and administrative innovation have occurred in many jurisdictions. Thirdly, Professor Gibbons' rhetorical attempt to justify his arguments diverts him from an appraisal of the training needs of the 1980's. In the 17 years which have passed since the first publication of this book, large and significant changes have occurred in the Nation's correctional systems, many of them prompted by President Johnson's commission. The long-term policy implications of these changes are not yet known, particularly in the face of an Administration informed by a very different philosophy. It is clear, however, that the routinization of new programs and new technologies through the seventies coupled with the newer but not necessarily opposing emphases in the eighties is placing complex and sophisticated demands upon correctional administrations and correctional workers. While rehabilitation will always, hopefully, be a major component of correctional systems, it has to be seen in the context of a multiplicity of tasks demanding special knowledge, skill and a reliable flow of up-to-date information. It is this knowledge and these skills along with the problems of workload management which they help to generate that, in addition to treatment, must be addressed in the training of correctional workers. The exclusive focus upon therapy by Professor Gibbons is not a timely emphasis for contemporary corrections.

Fordham University PETER L. SISSONS

How To Improve Organizational Management

Correctional Supervisory Management: Principles of Organization Policy and Law. By William G. Archambeault and Betty J. Archambeault. Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1982. Pp. 454. $18.95.

In the preface to this book, the authors point out that, "correctional workers represent the single most important resource available to any correctional agency or institution in attempting to accomplish its mission, goals, and objectives." However, this resource is often times squandered and this text provides a new approach to old problems maintaining that improvements in the organization's "process of correctional supervisory management" can be a solution.

This book points out the critical/pivotal role of the correctional supervisor who in reality is the conduit through which "management authority is exercised and liability emanates." It gives much needed attention and focus to nearly all aspects of correctional supervisory management and covers a subject where there is a dearth of published information. This work also allows the practitioner to analyze his organization and fully understand the forces that affect and impact upon the correctional supervisor. For this reason, it is essential reading for any correctional worker and will greatly enhance one's sense of awareness of the implications of correctional supervisory management. Many supervisors, and correctional workers in general, go about their job without the vaguest idea of what forces really shape their world and this book covers almost all bases in analyzing problems, issues, and intervention strategies. The book also encourages the reader to think.

Correctional Supervisory Management is written in a developmental format that provides great flexibility in accommodating students of different interests, backgrounds, and learning potentials and makes the text usable in courses with different levels of academic rigor. In addition to college use, this text is also designed for inservice training and there is an accompanying instructor's manual. Each chapter contains a synthesis and learning objectives with practical exercises and review/discussion questions.

In chapter one, the authors emphasize the need for effective supervision and estimate that supervisory training is given a low priority and between, "87-92% of correctional organizations do not provide or require supervisory training of its management personnel." Correctional supervisors are unique according to the authors because "everyone" is in essence a supervisor whether employees or inmates are being controlled. This chapter reveals some basic concepts including the process and role of the correctional supervisor.

Chapter two provides a profile of the contemporary correctional worker and how current trends relate to correctional supervision. In the third chapter, a distinction is made between correctional administration and management and where the supervisor fits in the scheme of things.

In chapter four some of the major organizational theories which have affected corrections are presented and the implications of each for correctional supervisory management. The next chapter examines the problems of motivating and directing correctional employees. Chapter six discusses organizational policymaking, and the next chapter the role of the correctional supervisor in policymaking. Chapter 8 analyzes the evolution of adult correctional law and its impact on organizational policy and practice. Chapter nine builds on the previous chapter and extends this understanding to specific organizational issues. It also analyzes the development of a preventive correctional law (PCL) program and the role of the correctional supervisor.

Chapter 10 discusses the evolution of juvenile correctional law and explains some of the basic concepts inherent in juvenile law and the role of the supervisor in preventing litigation. Chapter 11 introduces the essentials of effective communication and chapter 12 examines the organization's responsibility to train and develop supervisors. The final two chapters explain the role of the supervisor in routine custody procedures and emergency situations in correctional institutions.

This text represents probably the first definitive work on the subject of correctional supervision, and as such, should be mandatory reading for all correctional supervisors and administrators as well as undergraduate/graduate criminology students studying corrections. What constitutes proper supervision is the subject of this book and it therefore deserves reading.

Terre Haute, Indiana THOMAS T. FOLLOWELL

A Treatise on the Sociology of Delinquency

Juvenile Delinquency, 3rd Edition. By Martin R. Haskell and Lewis Yablonsky. Burlington, Mass.: Houghton Mifflin Co., 1982. Pp. 543.

Haskell and Yablonsky's *Juvenile Delinquency* is a pleasantly readable, adequately comprehensive, and sufficiently informative book suitable as a text or reader on juvenile delinquency at the collegiate level. It is organized into seventeen chapters in four major subdivisions. These are: "The Juvenile Delinquent in Society" (nature and extent of delinquency, juvenile courts, the interrelationship between delinquency and demographic and institutional factors); "Significant Problem Areas in Juvenile Delinquency" (socialization, violence, drug abuse, social change); "The Casual Context of Crime and Delinquency" (the various individualistic theories, i.e., classical, physiologic, positivistic, psychoanalytic, differential association, alienation, containment, reference group, and various social theories, i.e., cultural lag, labeling, economic, anomie); and, finally, "Treatment and Control of Delinquency" ("treatment" institutions, programs and strategies, and policy recommendations). A notable feature which adds interest and insight throughout the book is the liberal use of "live" data to highlight phenomena discussed.

The authors have done an excellent job of presenting the mainstream of theory and practice featured in the discipline. The characteristics of and changes in delinquents and delinquent acts, basic causal and explanatory reasoning buttressed with research findings, and institutional response, trend, and practice are accomplished in excellent style. The authors recognize the various changing parameters of their subject, such as the advance of females toward equality as offenders, and the orientation of juvenile courts toward "due process." They make the obligatory assumptions for certifiably respectable imprimatur, e.g., the merit of moving the "juvenile judicial process back into the community where the problems originate," the "positive payoff" in terms of better race relations as the denouement of "busing," or the presumption that delinquency is something to be "treated."

There are some subjects which are not discussed which could be discussed, although such fact is hardly an unqualified deficit since restriction, selection, and discrimination are absolutely requisite in a book of limited length. While the book is unquestionably well done, it may be said, at the same time, that it, for all its certifiable respectability and general excellence, is rather conventionally conservative. Names like George Gilder, James Wilson, Ernst van den Haag, even Edward Banfield, are missing, and so are their insights. But, for what it is, it is very well done indeed.

Harrisville, Mississippi TOMMY W. ROGERS

The Offender Seen as Victim

In the Belly of the Beast. By Jack Henry Abbott. Vintage paperback edition, 1982. Pp. 198. $2.95.

These are the letters from prison that Jack Abbott sent to Norman Mailer and began what eventually became an education for Mailer in prison rage and brutality, and for New York, another homicide victim.

It's not often when one can follow the prepublication publicity of a famous author (Mailer) lending a helping hand to a most literate, but socially deranged inmate. Abbott's letters, though not new or unique to this reviewer, describe in a dynamic and profound way what others have attempted, but failed to grasp. Social, family, and prison brutality create society's beasts.

Jack Abbott, and most youngsters "raised by the state," are too frequently condemned by our society—condemned by the callousness of a Judeo-Christian society that teaches and preaches love, brotherhood, charity, compassion, and forgiveness, but rarely practices it with it's errant juveniles. When the juveniles grow into abused, hated, and hopeless adults, we are quick to further condemn and hold them personally responsible for their adult criminal behavior. Rarely does the law or society through its agencies, attempt to understand the factors and circumstances which led to the creation of the "beast." Rare is the political power to change (not simply "reform") the way American youth are mistreated and mismanaged in our schools and juvenile "correctional" facilities. These are the environments, along with criminogenic families where the "beasts" are developed, nurtured, and eventually placed in our adult prisons. Offenders like Carl Panzram, Eddie Sanchez, and Jack Abbott all have common threads; early neglect, excessive physical abuse by families and authorities, and many years in prison isolation. In this regard, society, through its official agencies, has assisted in shaping and developing the "beasts" in our prisons. Not a pleasant thought, yet well documented by research and literature in criminology and corrections. Tom Gaddis in *Killer: A Journal Of Murder*, gave us the detailed case history of Carl Panzram's horrendous abuse and man-made rage. Donald Clemmer in his classic *The Prison Community* gave us a documented sociological description of prison life. Gresham Sykes in *Society of Captives* gave us the indepth study of a maximum security prison, its social structure, and prisoner-guard dynamics. Tom Murton in his *Dilemma of Prison Reform* gave us the political realities of participatory democracy in a penal setting and concluded that true reform is not possible. Dave Fogel in *We Are the Living Proof* gave us a justice model of corrections that in political application left much to be desired.

But what of Abbott's rage? Is his account of prison life and brutality accurate? An update of Jessica Mitford's *Kind and Usual Punishment*? In this reviewer's opinion, Jack Abbott's account is painfully accurate and articulate. That doesn't mean I personally like Jack Abbott or justify his behavior. I can, however, understand how and why his rage and history caused him to become a beast himself. Abbott is a talented, self-taught writer who could improve with fewer generalizations. He's careful to point out that his perspective on prisons and punishment comes from one who has spent most of his life incarcerated. Several of those years were in solitary confinement or isolation. No prisoner can survive such stimulus deprivation experiences unscathed.

Society does have a responsibility to prevent the brutality and dual victimization that occurs daily in our juvenile and adult prisons in America. As long as we ignore correcting the early offender and continue to pursue vengeance and revenge, we do so at our own peril. We guarantee future victims by an inane practice that will eventually cause the criminalization of America. Jack Abbott is living proof and logical product of what society is conceiving in its beastly prisons.

San Diego State University G. THOMAS GITCHOFF

Research With an Axe To Grind

The Problems of Crime in the U.S.S.R. By Ilya Zeldes. Springfield, Ill.: Charles C. Thomas, Publisher, 1981. Pp. 140. $16.75.

For the reader interested in various aspects of criminology in the Soviet Union, this is a book of limited value. Though the author seemingly goes to great lengths to present what data are available on Soviet criminality, one comes away with the impression that these data are colored by an undisguised hostility towards both the Soviet Union and the Soviet system of justice. This is not to say that the ideas and data presented in this book are "wrong" in any definitive sense; it is to say that, given the rather obvious biases of the author, one is left in the lurch as to what to believe.

Examples are not hard to come by. In the Editor's Foreword (written by Ralph Slovenko), one is led to believe that the crime problem in the USSR is considerably less serious than in the United States. For example, we are told that "there is not an underclass of people in the U.S.S.R. who have come to the cities in search of work"; that, "in contrast to cities here, Soviet cities have always been, and continue to be, the most developed and convenient residential areas." With specific reference to crime, it seems that persons "in the U.S.S.R. can take pleasure. . .in being able to stroll, day or night, without fear of violent crime.

One can hardly remember when that was possible in the United States." Slovenko himself, who had made "numerous trips" to the Soviet Union, "was not bothered by crime or the fear of crime." So far, so good.

Enter the author (Ilya Zeldes), who confidently asserts that the Soviet Union sees "two crimes every three seconds" (the title of chapter four), and that the incidence of crime in the USSR is "two times greater than the U.S.A.!" (p. 75). The conclusion: "criminality is possibly a greater problem in the USSR than in the USA or in other industrially developed countries of the modern world" (p. 59). Prior to reaching these conclusions, which obviously contradict the account provided by Slovenko, the author had made the following observations regarding the availability of crime statistics: "the issue of the level of criminality in the U.S.S.R. is very complex and obscure, the reason being that Soviet sources do not publish the necessary information" (p.59); "criminal statistics have not been published for 50 years!" (p. 89); and finally, that a number of factors (enumerated on page 59) taken "in totality distorts the authentic data on the proportions of criminality" (p. 59). In spite of these difficulties, Zeldes has no qualms about offering definitive pronouncements as regards both the absolute number of crimes in the U.S.S.R., and how the U.S.S.R. compares with other countries, particularly the United States.

It is difficult to assess these contradictory claims. Data supporting these results were drawn from a disparate array of sources ranging from the CIA to individual Soviet and American criminologists, which leaves the impression that the author's conclusions were based on a painstaking inferential analysis of a multitude of research endeavors. Let us take a closer look at the manner in which some of the above-cited conclusions were drawn.

Central to the claim that the incidence of criminality in the USSR is twice that of the USA is the author's estimate of "latent criminality" (i.e., "the number of unrecorded but actually committed crimes," p. 71). In U.S. criminological circles, self-report and victimization surveys are used to estimate this so-called "dark figure" of crime. However, after admitting that "any direct information (is not) available on the latent criminality in the U.S.S.R." (p. 72), the author goes on to cite four Soviet scholars (*all* of whom agree that latency exists, *none* of whom provide any data whatever on latency percentages), the last of whom is used to draw a "comparison" with data for the United States. After citing the Soviet to the effect that latency is "almost nil" for murder, but very high for bribery, Zeldes refers to the following U.S. statistics: 80 percent of all murders were solved, disclosure of crimes against property did not rise higher than 20 percent, and that the average index of disclosure of crimes in the U.S.A. during this period (1972-1974) stood at 21 percent (p. 74). Of the four Soviet authors cited by Zeldes, the closest we came to a latency breakdown by crime was the opinion, unadorned by evidence, that bribery has a higher latency rate than murder. Thus, virtually nothing appears which would permit an estimate of latent criminality in the Soviet Union, much less a comparison of latent criminality between the U.S.A. and the U.S.S.R. This does not deter Zeldes. In a claim which is presumably based on a comparison of the above-cited U.S. latency rates with the Soviet authors' (unsubstantiated) claims regarding bribery and murder, Zeldes concludes that "the picture of disclosure of crimes concurs with that in the U.S.A. Therefore, there is a basis for the supposition that the average disclosure of crimes in the U.S.S.R. can be set at a figure of 20-25%" (p. 74). Hence the general conclusion that the incidence of crime in the U.S.S.R. is twice that of the United States (i.e., 4 million known crimes plus 75-80% latent crimes = 16-20 million crimes), and that there are "two crimes every three seconds." These claims are as strong as the wild inferences from which they sprang.

Thus, in his discussion of the total amount of Soviet criminality, Zeldes does not hesitate to use statistics rather liberally, with the result being a black eye for the Soviet Union. Let us see what happens when *actual* data are presented which cast Soviet practices in a favorable light.

In a chapter on prevention (chapter five), Zeldes discusses the Leningrad experiment, a program designed to reduce the incidence of juvenile delinquency. Of the three Soviet research efforts designed to measure the success of the program, one saw delinquency decrease 37 percent in 5 years, another 44 percent, and the third, though providing no percentages, limits himself to the general observation that juvenile delinquency has decreased (p. 104). The Soviets, one suspects, would be quite pleased with these results. Zeldes, however, passes judgment on these studies as follows: "judging by the contradictory appraisals of three leading criminologists, the true value of the experiment remains unclear!" (p. 104) But the results are not contradictory. True, there is some discrepancy as regards the percentage decrease in delinquency, but a discrepancy is not a contradiction. Had these research results indicated that delinquency *increased* by the above-mentioned percentages, they would undoubtedly have been cited with the same vigor and confidence characteristic of Zeldes' earlier claims regarding the total incidence of Soviet criminality.

This is not to say that the book is totally devoid of value. One of the author's goals is to point out the "contradictions between the theory and practice of socialism" (p. 31), and Zeldes points out discrepancies with reference to the type of crime causal theories permissible under the Soviet social order and with respect to the Soviet administration of justice. But these problems are not endemic to the Soviet Union, as Zeldes implies. Crime causal theories in the United States are often ideologically motivated, and the gulf between theory and practice (as regards, say, the "presumption of innocence") is surely evident in the administration of justice in the United States. Again, it is its unambiguous anti-Soviet flavor which makes one suspect that this book is less a reasoned attempt to come to grips with Soviet criminality than an unrestrained polemic against the Soviet Union itself. For this reason, it is perhaps best to read this book as what it very probably is—propaganda.

State University of New York, Albany W. BYRON GROVES

The Structure of Organized Crime

The Mafia in America: An Oral History, 1st Edition. By Howard Abadinsky. New York: Praeger Publishers, 1981. Pp. 151.

Howard Abadinsky's, *The Mafia in America* represents yet another important contribution to the rather shallow literature on the *Mafia*. While I am somewhat concerned with his tacit desire to present the *Mafia* as the whole of organized crime, Abadinsky has provided us with raw data in which we can arrive at our own assessment/judgment about the nature of organized crime. Few researchers have ventured beyond their "ivory towers" and solicited the data that is provided us in Abadinsky's treatment. For this, he must be commended. Unfortunately, his review of the existing literature is at best, superficial, particularly when you compare it to his earlier text *Organized Crime in America*. Moreover, there are several issues I must take exception with.

First, he begins the book with a meager description of the evolution of organized crime, which in essence subscribes to the ethnic succession process. With regret, I feel that he does a disservice to the rich data which currently exists disproving and/or seriously challenging the ethnic succession thesis. His fascination with the Italian *Mafia* has, in a sense, translated into a one-dimensional vision of organized crime—one that is manifested almost exclusively in the *Mafia*.

Secondly, he seeks to describe the structure of organized crime, again using the *Mafia* as his sole basis of reference. Despite the fact that this further merges organized crime and the *Mafia* into one entity, he appears to be bogged down in the technical jargon, adding to the ambiguity of the theme he seeks to present. He would do better to have avoided what is at best a disjointed description of the structure of the *Mafia* (vis-a-vis organized crime).

Lastly, his discussion regarding the definitions of "organized crime" (or does he mean the *Mafia*) and the role status afforded those in the *Mafia* is a somewhat superficial treatment of the available literature. Clearly, he has made too great an effort to summarize and generalize, leaving the reader with a jaded perception of organized crime.

The richness of Abadinsky's work, and the effort of his toil is well-presented toward the end of his book. This is where Abadinsky excels and in spite of his earlier shortcomings, he makes up for his haste to gloss over the important issues. I was particularly impressed with the lucid manner in which he presents his "debriefing" of the informant and how Abadinsky provides the reader with raw almost untouched data that should be used by others in their research efforts. I can personally relate to the validity of the data he presents, and I admire his desire to do research using primary source data. Far too often academics have cloistered themselves in their comfortable, air-conditioned offices, churning out esoteric essays on organized crime having never met an "organized criminal," nor willing to go through the rigors of collecting empirical data. The incestuous environment that has engulfed the organized crime research community has certainly done a disservice to the discipline of field research. Abadinsky defies this tradition and I commend him for producing a text that is a necessary reader for the neophyte studying organized crime.

West Trenton, N.J. JUSTIN J. DINTINO

How to Feel Good Without Feeling Guilty

Feeling Good—Mood Therapy. By David D. Burns, M.D. New York: William Morrow & Co., 1980. Pp. 393.

Wouldn't it be nice to always feel good, or at least to catch yourself as you head toward the "down" periods we all encounter. Based on his work with depression at the University of Pennsylvania School of Medicine, the author provides a fairly simple "cookbook" approach to feelings management. The book is directed to the patient or to the lay public. Patient and professional and those in between can find something of value between the covers.

Through the use of many example cases, the author demonstrates numerous techniques to increase awareness, self-control, and insight. A cursory review of the index shows the broad range of the book. The foundation is established by defining moods and teaching the reader how to pay attention to or to diagnose one's own moods. In the second section, the topics of self-esteem, lethargy, response to criticism, anger management, and guilt are presented with prescriptions for maintaining one's own mental health. More thorough attention is afforded to depression as associated with suicide, perfectionism, and the practice of coping with the stresses and strains of daily living. The least valuable section of the book is the consumer's guide to anti-depressant drugs therapy.

The thesis is fairly simple; aberrant thinking or distorted thought patterns are the basis of depression. When you are depressed or anxious, you tend to be unrealistically pessimistic and your behavior becomes self-defeating. You don't see the light at the end of the tunnel and you don't share many of the joys of the people around you. As a result of distorted thinking, you only see the dark clouds. Burns goes on to claim that you can train yourself to decrease the amount of negative thinking. Subsequently, you or your client will become happier and more productive. The methods presented are easily learned and can be utilized by the probation counselor in a variety of ways. Where more formal therapy is either not possible or is refused, the counselor can provide a treatment process with some proven techniques.

The methods or techniques are based on the notion that moods are created by what you see, by your cognitions, or by the way in which you interpret what you see. A person whose pervasive view of the world is hostile, cold, or negative tends to develop an angry self or negative self concept. When confronted with stress, these people see what may be a minor problem as insurmountable. Most people would view the same "devastating" problems as a slight impediment and search for solutions. The negative or depressed person quits, withdraws, or responds in a similar dysfunctional fashion. Burns maintains that social workers, court counselors, and individuals themselves should be trained to recognize the 10 errors in thinking that pave the road to depression. These are as follows:

(1) ALL-OR-NOTHING THINKING: You see things in black-and-white categories. If your performance falls short of perfect, you see yourself as a total failure.

(2) OVERGENERALIZATION: You see a single negative event as a never-ending pattern of defeat.

(3) MENTAL FILTER: You pick out a single negative detail and dwell on it exclusively so that your vision of all reality becomes darkened, like the drop of ink that discolors the entire beaker of water.

(4) DISQUALIFYING THE POSITIVE: You reject positive experiences by insisting they "don't count" for some reason or other. In this way you can maintain a negative belief that is contradicted by your everyday experiences.

(5) JUMPING TO CONCLUSION: You make a negative interpretation even though there are no definite facts that convincingly support your conclusion.

(a) Mind reading. You arbitrarily conclude that someone is reacting negatively to you, and you don't bother to check this out.

(b) The Fortune Teller Error. You anticipate that things will turn out badly, and you feel convinced that your prediction is an already-established fact.

(6) MAGNIFICATION (CATASTROPHIZING) OR MINIMIZATION: You exaggerate the importance of things (such as your goof-up or someone else's achievement), or you inappropriately shrink things until they appear tiny (your own desirable qualities or the other fellow's imperfections). This is also called the "binocular trick."

(7) EMOTIONAL REASONING. You assume that your negative emotions necessarily reflect the way things really are: "I feel it, therefore it must be true."

(8) SHOULD STATEMENTS: You try to motivate yourself with shoulds and shouldn'ts, as if you had to be whipped and punished before you could be expected to do anything. "Musts" and "oughts" are also offenders. The emotional consequence is guilt. When you direct should statements toward others, you feel anger, frustration, and resentment.

(9) LABELING AND MISLABELING: This is an extreme form of overgeneralization. Instead of describing your error, you attach a negative label to yourself; "I'm a loser." When someone else's behavior rubs you the wrong way, you attach a negative label to him: "He's a goddam louse." Mislabeling involves describing an event with language that is highly colored and emotionally loaded.

(10) PERSONALIZATION: You see yourself as the cause of some negative external event which in fact you were not primarily responsible for.

The majority of the text offers methods or techniques, generally written homework exercises, to right such situations. It is an easy book that is well worth review.

Fairfax, Va. ERIC T. ASSUR

A Critical View of the British Probation Service

Probation Work: Critical Theory and Socialist Practice. By Hilary Walker and Bill Beaumont. London, England: Basil Blackwell, 1982. Pp. 218. $9.95.

"Working as a Probation Officer is a funny way to make a living." It is a splendid start to a book whose first chapter is entitled, "Something's wrong," and which in its opening sentences proceeds to describe "a crisis of confidence" which is apparently engulfing the British Probation Service.

The two authors are intelligent and committed Marxists, both with much experience of working as grass roots probation officers. One of them, Bill Beaumont, was the inspiration and brains behind the NAPO action group, an extreme left wing pressure group within the probation officers' union which has been influential far beyond its actual numbers. He is currently chairman of the union itself, a man much respected and admired within a radical section of the Service. He is certainly an effective and articulate protagonist of the Marxist perspective as it relates to the work of the Service.

The book is readable partly, I suspect, because it is such a highly prejudiced, biased and politicised account of probation. It is also stimulating because it highlights many contradictions and problems facing the U.K. Service. On the other hand, it is outrageous in that much of the source material it selects to prove its case is taken from a narrow range of critics almost all of whom share the same critical preferences as the authors. Some of their generalisations about probation work are also quite astonishing as, for example, the statement very early in their book that "Probation Officers place relatively little importance on the reliability of their social enquiry reports and that their major concern is to concentrate on presenting material which will be convincing, their ultimate aim being to avoid being caught in error." The authors copy the fashionable trend of demolishing casework using a version which bears little relationship to what I understand by the term. In fact the authors seem to start with their marxist analysis of society determined to fit their understanding of probation practice to it.

On the other hand the book contains many important criticisms which must be examined. It highlights, for example, the drift towards abuses in the system as probation officers attempt to maintain credibility against a punitive judicial background. It also attempts helpfully to explore the relationship between a probation service increasingly concerned to provide alternatives to imprisonment with a corresponding tendency to wish to exercise more social control. They raise many other important issues.

The book is much weaker on finding solutions to the problems it exposes. Indeed, its final chapter strikes me in its conclusion as being revisionist and reformist in tone, comments that will be anathema to the true Marxist. Their message is ultimately a despairing one as the authors explore their beliefs against a capitalist society which they deplore.

There is much that is thought-provoking in this book. It outlines many challenges which we ought to face and for that reason it should be read. But at the end of the day the authors' perception of the Probation Service in Britain today is an exceedingly long way from mine.

London, England GRAHAM W. SMITH

Reports Received

Adult Probation in New Jersey: A Study of Recidivism and a Determination of the Predictive Utilities of a Risk Assessment Model. Probation Administrative Management system, Administrative Office of the Courts, State House Annex, Trenton, N.J. 08625, December 1980. Pp. 101. The purpose of the study reported in this publication was to draw a profile of the rates and patterns of recidivism for a sample of probationers in five New Jersey counties and to assess the predictive utility of an existing classification device.

The Development and Impact of the Minnesota Sentencing Guidelines: A Preliminary Report. Minnesota Sentencing Guidelines Commission, 284 Metro Square Building, St. Paul, Minn. 55101, July 1982. Pp. 75. The sentencing guidelines in Minnesota became effective May 1, 1980. In this report, the guidelines, which are presumptive with respect to who goes to prison and for how long, based on the first 5,500 cases sentenced in 1980-81, are evaluated on the baseline data of 4,369 cases sentenced in fiscal year 1978. The results indicate that sentencing practices have substantially conformed to the articulated sentencing policy and that disparity in sentencing has decreased. Other aspects of impact are discussed in detail.

Evaluation of the County Justice System Subvention Program (Final Report). Arthur D. Little, Inc. Four Embarcadero Center, San Francisco, Calif. 94111, June 1982. Pp. 219. The program evaluated in this report went into effect in California in July 1978 and the evaluation covered the period January 1979 through June 1982. Areas of evaluation included were: improvements in criminal and juvenile justice, selectivity of offenders retained in the community, appropriate services for status offenders, number and type of delinquency prevention programs, and reduction in recidivism.

Explosive Incidents in 1981 (Annual Report). Department of the Treasury, Bureau of Alcohol, Tobacco, and Firearms, Washington, D.C. 20226, 1982. Pp. 52. This past year, deaths and injuries caused by explosions declined; total explosive incidents by 18.6 percent, bombing incidents by 8.9 percent, and deaths attributed to explosions by 17.5 percent.

Federal Prison Industries, Inc. (Annual Report). U.S. Department of Justice, Federal Prison Industries, Inc., Washington, D.C. 20534, 1982. Pp. 16. In this report, covering the activities of the corporation for the year 1981, are the financial charts, industrial operations statistics, the corporation's message to Congress, and other programs.

Industrial Relations in the Prison Service. The Howard Journal, Scottish Academic Press, 33 Montgomery Street, Edinburgh, Scotland, Vol. XXI, No. 2, 982. Pp. 128. This is the lead article of the current issue of the Journal. In it Professor King discusses three models of management-staff relations; the obsolete military model, the professional model which seems to have failed, and the wage-labour model which seems to be here to stay. Other articles include an analysis of probation investigation reports and sentencing outcomes, and a review of developments within the British prison system since the May Committee Report of 1979.

The Inequality of Justice: A Report on Crime and the Administration of Justice in the Minority Community. U.S. Department of Justice, Office of Justice Assistance, Research, and Statistics, Wasington, D.C., January 1982. Pp. 411. This report, conducted by the National Minority Advisory Council on Criminal Justice established in June 1976 by the LEAA, is the product of 4 years of extensive research and portrays the disproportionate and adverse impact of the criminal justice system on this Nation's minority people. Its contents are based on review of past and current literature, public hearings, input from experts and consultants on specific issues, results of field studies and interviews with selected minority criminal justice leaders and public officials, and analyses of criminal justice policies and programs at various governmental levels.

Police-Prosecutor Relations in the United States: An Executive Summary. U.S. Department of Justice, National Institute of Justice, Washington, D.C. July 1982. Pp. 40. This report presents the highlights of the findings, conclusions, and recommendations of a study of police-prosecutor relations in jurisdictions over 100,000 populations. It deals with the nature and problems in the police-prosecutor relationship as reported in the literature, as perceived by police and prosecutors, and as perceived by the authors of this report based on their analysis of the data.

The Reactions to Crime Project (Executive Summary). U.S. Department of Justice, National Institute of Justice, Washington, D.C. 20531, May 1982. Pp. 61. This report is the result of a 5-year research effort concerned with the perceptions, fears, and individual and collective response of Americans to the crime problems of the mid-1970's. The research was conducted in 10 neighborhoods in Chicago, Philadelphia, and San Francisco. Using field observations, sample surveys, archives, and content analysis of local newspapers, the research examined the origins, maintenance, and consequences of individual and collective reactions to crime.

The Sentencing Dispositions of New York City Lower Court Criminal Judges. University Press of America, Inc., 4720 Boston Way, Lanham, Md. 20706, 1982. Pp. 213. This book by James R. Davis, a probation officer on the staff of the Brooklyn Criminal Court, is a comprehensive analysis of the dispositions of judges and recommendations of probation officers at the Brooklyn, New York, Criminal Court during the years 1972-1976 and of the complicated processes involved in negotiating the sentencing of misdemeanor offenders.

Violent Crime in California. Department of the Youth Authority, Division of Research, Sacramento, Calif., May 1982. Pp. 25. This report has been compiled to answer public attention focused on the issues of violent crime. Between the years 1975 to 1980, the number of reports of all types of crimes against persons increased by more than 50 percent, but it is not known whether the increase is due to improved recordkeeping or reporting procedures, increases in the number of agencies reporting, or greater willingness of victims to report crimes. Similar analyses are made of other aspects of the violent crime question.

Books Received

American Court Management: Theories and Practices. By David J. Saari. Westport, Conn.: Quorum Books, 1982. Pp. 163. $27.50.

Careers of the Violent: The Dangerous Offender Project. By Stuart J. Miller, Simon Dinitz, and John P. Conrad. Lexington, Mass.: D.C. Heath and Company, 1982. Pp. 354. $36.95.

Dangerousness and Criminal Justice. By Jean Floud and Warren Young. Totowa, N.J.: Barnes & Noble Books, 1982. Pp. 228. $24.50.

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It Has Come to Our Attention

Attorney General William French Smith, speaking September 14 in Washington at the opening of the first hearing of the President's Task Force on Victims of Crime, stated that, "For too long the criminal justice system has focused exclusively on the rights of the accused and ignored the rights of the victim. I am looking forward to working with the President's Task Force on Victims to correct this problem."

There were 1,445,500 adults on probation or parole in the United States at the end of last year, the Bureau of Justice Statistics has announced. Some 1,222,000 were on probation and 223,800 on parole, it said. There were 352,500 people in state and Federal prisons and about 156,800 people in jails. Thus, 74 percent of persons under correctional authority were being supervised in the community. The total of 1,955,100 persons in jail, prison, parole, or probation did not include parolees under county jurisdiction, juveniles, or persons incarcerated in mental health institutions in lieu of prison, the Bureau said in its bulletin, "Probation and Parole 1981." Single copies of the bulletin may be obtained free from the National Criminal Justice Reference Service, Box 6000, Rockville, Md. 20850, or by calling 301-251-5500.

R.J. Pelisky, Ph.D., evaluation and monitoring specialist for the Virginia Department of Corrections and immediate past president of the American Probation and Parole Association, was recipient on October 5 of the first University of Cincinnati Award in Corrections in recognition of his "significant contribution in the field of corrections in the United States and Canada."

There was an average 43 percent reduction in detention of juveniles charged with status offenses in eight sites where programs were specifically established to help juveniles stay out of detention facilities. This was one of the principal findings of a study, "National Evaluation of the Deinstitutionalization of Status Offender Programs," released in October. The study was done by the University of Southern California and was funded by the Office of Juvenile Justice and Delinquency Prevention, an agency of the U.S. Department of Justice. Status offenders are juveniles whose acts would not be criminal if committed by adults. They include such behavior as incorrigibility, truancy, runaway, and similar activity. Copies of the executive summary of the study are available free of charge by writing the Juvenile Justice Clearinghouse, National Criminal Justice Reference Service, Box 6000, Rockville, Md. 20850.

Norman A. Carlson, Director of the Federal Prison System, was honored on September 30 by the Department of Justice and by the Bureau of Prisons' Central Office staff on his 25th an-

niversary with the Bureau. At a ceremony in the Director's office, Associate Attorney General Rudolph Giuliani said, "Norm, you are the very best in the Department of Justice and your organization is exceptional. I have never seen such esprit de corps and talent. There is no agency in the Department of Justice that performs as well." He presented a letter from Attorney General William French Smith that said: "I wish to add my personal congratulations as you celebrate 25 years of distinguished service with the Department of Justice. Throughout your career, you have exemplified the highest ideals of this Department. Your willing cooperation has earned the admiration and respect of your colleagues. The high quality of your leadership has served as a model of all our employees. I am proud to have the opportunity to work with you."

The following appeared in the October 11 edition of the *Criminal Justice Newsletter:* "A judge in Carlsbad, New Mexico, has sentenced a woman to college because 'it's cheaper than prison.' The defendant was convicted of kidnaping, armed robbery and aggravated battery in the wounding of her husband last November, according to the Associated Press. The 27-year-old woman was sentenced to a probation that included college attendance and maintaining a "C" average. The defendant hopes to become a journalist and said she had several offers of scholarships and grants. The sentence, the judge noted, does not include paying her college tuition. 'If she makes bad grades or leaves school, that's a violation of her probation,' the judge said. 'I have a right to put her in jail.'"

The National Institute of Justice released in October research results that provide an improved means of identifying the relatively small number of criminal offenders who commit an exceedingly large amount of violent offenses. The research validated other studies which found that a relatively small percentage of felons commit a disproportionately large number of offenses and that street crime might be substantially reduced by incapacitating this group of repeat violent offenders if they can be identified. The research also suggested a scale based upon offender characteristics that could—when refined—help judges determine what defendants should receive longer prison terms. The report, "Varieties of Criminal Behavior: Summary and Policy Implications," was prepared by the Rand Corp. under an NIJ grant. It may be purchased through Rand's publications department, 1700 Main Street, Santa Monica, Calif. 90406.

The 28th Annual Southern Conference on Corrections will be held at the new Center for Professional Development at Florida State University February 24 and 25, 1983. The theme will be "Overcrowding and Cutbacks—Where Do We Go From Here?" For further information contact Ms. Susan Lampman, Center for Professional Development, Florida State University, Tallahassee, Fla. 32306, telephone (904) 644-3801.

The Federal Bureau of Investigation reported October 19 the volume of reported crime measured by the FBI's Crime Index during the first 6 months of 1982 was 5 percent lower than in the first half of 1981. The total of reported crimes, after reaching an all-time high in 1980, had held at that level during 1981. "While this apparent reversal is encouraging," Attorney General William French Smith said, "the fact that the all-time high was reached and maintained for a 2-year period should be of major concern to the Nation." Director of the FBI, William H. Webster, remarked, "This drop in reported crime is the first 6-month decrease the Nation has experienced since 1978. In that year, we had a 2-percent decrease when the first 6 months were compared to the same period in 1977."

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